

4517. By Mr. BARRY: Resolution of the Columbia Democratic Club of Queens County, Inc., Whitestone, N. Y., adopted at their regular meeting, urging the President to set aside some day as a national holiday, other than a national holiday, to be known as Democracy Day, so that we, the people, may show our respect for our Government; to the Committee on the Judiciary.

4518. By Mr. BATES: Memorial of the General Court of Massachusetts, memorializing Congress in favor of legislation requiring all shoes imported from foreign countries to have the name of the country of manufacture stamped clearly on the outer soles thereof; to the Committee on Foreign Affairs.

4519. Also, memorial of the General Court of Massachusetts, memorializing Congress for legislation and action to promote interstate cooperation in respect to the removal of industrial establishments from one State to another; to the Committee on Interstate and Foreign Commerce.

4520. By Mr. COFFEE of Washington: Resolution of the Neuaukum Home Grange, No. 622, R. H. Hewitt, resolutions committee, Enumclaw, Wash., pointing out that there is a proposal pending in Congress providing for the admittance of the Territory of Hawaii into statehood; stating that the native Hawaiian population is less than 20,000, but that orientals resident within the islands total in number more than 250,000, three-fourths of whom are Japanese and Filipinos not eligible to citizenship; and therefore emphatically disapproving the admittance of such Hawaiian Territory to statehood within the United States; to the Committee on the Territories.

4521. By Mr. CURLEY: Petition of the Association of Highway Officials of North Atlantic States, urging that supervision of the planning and construction of any highways be invested in the Bureau of Public Roads, Department of Agriculture; to the Committee on Interstate and Foreign Commerce.

4522. Also, petition of the New York County Lawyers' Association, New York City, recommending approval of Senate bill 3256, in regard to loans to executive officers of any bank and extending the period for which such loans were made; to the Committee on Banking and Currency.

4523. By Mr. HANCOCK of New York: Petition of residents of Cortland County, N. Y., in opposition to the Patman bill (H. R. 9464); to the Committee on Ways and Means.

4524. By Mr. JACOBSEN: Resolution of Federal Labor Union, No. 18619, of Cedar Rapids, Iowa, endorsing the passage of a bill in Congress to place an excise tax on tapioca, sago, and cassava flour as provided in House bill 5931; to the Committee on Ways and Means.

4525. By Mr. LUTHER A. JOHNSON: Memorial of F. B. Peyton, of Fairfield, Tex., favoring amendment of the Wagner-Peyser Act, in order for the United States Employment Service to be in a position to request adequate appropriations to enable it to supervise State employment offices, and to operate the Veterans' Placement Service and the Farm Placement Service; to the Committee on Labor.

4526. Also, petition of Mrs. A. B. Conner, of College Station, Tex., favoring House bill 9047; to the Committee on Interstate and Foreign Commerce.

4527. Also, petition of J. M. Speed, of West Los Angeles, Calif., favoring House bill 8948, to liberalize the laws providing pensions for veterans and the dependents of veterans of the Regular Establishment; to the Committee on Pensions.

4528. Also, petition of J. M. Speed, of West Los Angeles, Calif., favoring House bill 8782, to adjust the pay of enlisted personnel of the Army, Navy, Marine Corps, etc.; to the Committee on Military Affairs.

4529. By Mr. LAMNECK: Petition of Mrs. E. S. Decker, unit secretary, American Legion Auxiliary, Columbus, Ohio, urging the passage of House bill 6704; to the Committee on Military Affairs.

4530. By Mr. McCORMACK: Memorial of the General Court of Massachusetts, memorializing Congress in favor of a bill providing for the granting by the Federal Government of pensions to certain blind persons; to the Committee on Ways and Means.

4531. Also, memorial of the General Court of Massachusetts, memorializing Congress in favor of legislation requiring all shoes imported from foreign countries to have the name of the country of manufacture stamped on the outer soles thereof; to the Committee on Ways and Means.

4532. Also, memorial of the General Court of Massachusetts, memorializing Congress for legislation and for action to promote interstate cooperation in respect to the removal of industrial establishments from one State to another; to the Committee on Ways and Means.

4533. By Mr. MEAD: Petition of the citizens of Buffalo, N. Y., urging changes in revenue legislation; to the Committee on Ways and Means.

## SENATE

MONDAY, MARCH 21, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day, Friday, March 18, 1938, was dispensed with, and the Journal was approved.

### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

### CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum. The VICE PRESIDENT. The clerk will call the roll. The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hughes	O'Mahoney
Andrews	Copeland	Johnson, Calif.	Overton
Ashurst	Davis	Johnson, Colo.	Pittman
Austin	Dieterich	King	Pope
Bailey	Donahay	La Follette	Radcliffe
Bankhead	Duffy	Lee	Reames
Barkley	Ellender	Lodge	Reynolds
Berry	Frazier	Logan	Russell
Bilbo	George	Loneragan	Schwartz
Bone	Gerry	Lundeen	Schwellenbach
Borah	Gibson	McAdoo	Sheppard
Bridges	Gillette	McCarran	Smathers
Brown, Mich.	Glass	McGill	Smith
Brown, N. H.	Green	McKellar	Thomas, Okla.
Bulkley	Guffey	McNary	Thomas, Utah
Bulow	Hale	Maloney	Townsend
Burke	Harrison	Miller	Tydings
Byrd	Hatch	Milton	Vandenberg
Byrnes	Hayden	Minton	Wagner
Capper	Herring	Murray	Walsh
Caraway	Hill	Neely	Wheeler
Chavez	Hitchcock	Norris	
Clark	Holt	Nye	

Mr. MINTON. I announce that the Senator from Illinois [Mr. LEWIS], the Senator from Florida [Mr. PEPPER], the Senator from Missouri [Mr. TRUMAN], and the Senator from Indiana [Mr. VAN NUYS] are detained from the Senate on important public business.

The VICE PRESIDENT. Ninety Senators have answered to their names. A quorum is present.

### NATIONAL AIRWAYS, INC., RATE REVIEW 1934-36

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, to the Secretary of the Senate, a copy of the decision by Division 3, dated March 4, 1938, in Air Mail Docket No. 4, National Airways, Inc., Rate Review 1934-36, touching the profits being derived by or accruing to National Airways, Inc., contractor of air-mail route No. 27, from the rate of compensation paid to it for the transportation of air mail by airplane on that route, which, with the accompanying docket, was referred to the Committee on Post Offices and Post Roads.

## AMENDMENT OF ORGANIC ACT OF VIRGIN ISLANDS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend sections 7, 14, and 20 of the Organic Act of the Virgin Islands of the United States (49 Stat. 1807), which, with the accompanying paper, was referred to the Committee on Territories and Insular Affairs.

## AMENDMENT TO CIVILIAN CONSERVATION CORPS ACT

The VICE PRESIDENT laid before the Senate a letter from the Director of the Civilian Conservation Corps, transmitting a draft of proposed legislation to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, which, with the accompanying paper, was referred to the Committee on Education and Labor.

## PAYMENT OF ADJUSTED COMPENSATION TO INSULAR FORCE PERSONNEL

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of War, transmitting a resolution adopted by the World War Veterans Insular Force, at Manila, P. I., favoring the enactment of legislation authorizing payment of adjusted compensation to the War Veterans Insular Force personnel, which was referred to the Committee on Finance.

## PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the General Court of Massachusetts, favoring the enactment of House bill 4199, to provide for the payment of annuities to all persons over 60 years of age who thereafter retire from gainful employment, which were referred to the Committee on Finance.

(See resolutions printed in full when presented today by Mr. WALSH.)

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Agriculture and Forestry:

Whereas the livestock industry is the basic industry of Modoc County, Calif.; and

Whereas the ranchers of Modoc County depend entirely upon the allocations allowed them for the grazing of their livestock on the Modoc National Forest as well as on the public domain lands for the spring and summer feeding of their livestock, and this has been the practice since the year 1873; and

Whereas in December 1937 the United States Forest Service notified stockmen who graze animals on the Modoc National Forest that an intensive grazing survey made during the past few years indicated overstocking of allotments to stockmen, that reductions in the number of animals grazing on said forest must be made; that the reductions would not exceed 10 percent for the year 1938; and

Whereas reports issued by the United States Department of Agriculture and the California Department of Agriculture show the following:

1. That on March 1, 1938, the average pasture and range conditions for Modoc County were 93 percent of normal, as compared to 75 percent on March 1, 1937,

2. That the average condition of all pastures and ranges in the State of California on February 1, 1938, was 88 percent of normal, as compared to 43 percent in February 1937, and 75 percent in February 1936, and 72 percent as the February average for the past 10 years; and

Whereas it thus appears that the survey conducted by the United States Forest Service represents conditions in subnormal years; and

Whereas the county of Modoc depends principally on the livestock industry to raise revenues by taxation to meet its annual expenses, and any curtailment of the livestock industry would directly curtail revenues of the county and of business organizations therein and would cause serious financial hardship to stockmen:

*Resolved*, That we urge the Secretary of Agriculture not to make any reductions in the number of livestock grazed on the Modoc National Forest until a proper survey is made to determine the normal carrying capacity of said forest, and, further, that we urge that surveys made under subnormal conditions be disregarded; further

*Resolved*, That copies of this resolution be sent to Hon. Henry A. Wallace, Secretary of Agriculture; to F. A. Silcox, Chief of the United States Forest Service; to United States Senators Hiram W. Johnson and William G. McAdoo; to all California Congressmen; to Hon. Frank F. Merriam, Governor of California; and to the Governors of the States of Oregon, Washington, Idaho, Montana, Nevada, Wyoming, Colorado, Arizona, New Mexico, and Utah.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Commerce:

Whereas the United States Government is initiating the policy of strengthening the Naval Establishment of this Nation; and

Whereas, because of the geographical situation of the States of California, Oregon, and Washington, it is necessary to the proper naval defense of those States that regular lines of passenger steamships between ports on the eastern seaboard and ports on the Pacific coast of the United States be maintained at all times; and

Whereas the operators of various steamship lines now and heretofore engaged in such intercoastal transportation business have indicated their intention of discontinuing certain of such passenger lines, as aforesaid, because of the high cost of operating such ships passing through the Panama Canal, including the cost of paying tolls therefor, and on account of the additional reason that the Maritime Commission of the United States has allegedly offered certain inducements to the managements of such steamship lines to engage in the business of transporting passengers and freight between eastern ports of the United States and South American countries, all to the detriment of the people of the three Pacific Coast States and on business and labor and industry therein, and to the detriment of the national defense: Now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California jointly*, That the President and Congress of the United States take all action necessary or convenient to assure the continuance of regular intercoastal steamship lines between the Atlantic seaboard and the Pacific coast, including the construction of additional passenger steamships for such purposes and be it further

*Resolved*, That the secretary of the senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Member of the House of Representatives from California in the Congress of the United States, to the Secretary of the Navy, and to the Chairman of the Maritime Commission, and that all of such persons be urged to support a program consistent with the premises.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Finance:

Whereas the economic growth and well-being of California has been built on tariff protection openly arrived at by Congress; and

Whereas this policy has made possible the production and distribution of California's quality products in the home market at prices which permit American standards of living; and

Whereas the production of wool, woolen fabrics, and other agricultural products is a major California activity; and

Whereas reciprocal trade agreements, secretly arrived at, threaten to destroy this American standard of living and keep business in a condition of uncertainty and retard recovery; and

Whereas reciprocal trade agreements affecting the tariffs on wool, woolen fabrics, and other agricultural products have been proposed and considered; and

Whereas these secret negotiations are un-American and will be disastrous to business recovery: Now, therefore, be it

*Resolved by the Senate and Assembly of the State of California jointly*, That the State of California be recorded as being in opposition to any reciprocal trade agreements with England or any other country in which wool, woolen fabrics, or other agricultural products are concerned; and be it further

*Resolved*, That copies hereof be sent to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Senators from California, and all Members of the California delegation in the House of Representatives.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Military Affairs:

Whereas the Honorable CHARLES J. COLDEN, Representative of the Seventeenth California Congressional District, has introduced a bill designated H. R. 8430 in the House of Representatives, which directs the Secretary of War to make a survey of the proposed "T" tunnel as a means of communication and transportation connection between San Pedro, Wilmington, and Terminal Island, Calif., including a survey of the route and the cost and benefits of a direct line of connection between San Pedro, Wilmington, Terminal Island, and Long Beach, which comprise the harbor district of, and are contiguous to, the city of Los Angeles, Calif.; and

Whereas the enactment of that bill will be of great importance to the State of California, and particularly to the city of Los Angeles, the Los Angeles Harbor district, and the national defense: Now, therefore, be it

*Resolved by the Senate of the California Legislature (the assembly thereof concurring)*, That the President and the Congress of the United States are hereby respectfully urged to enact H. R. 8430 authorizing the Secretary of War to make a survey of the proposed "T" tunnel as a means of communication and transportation between San Pedro, Wilmington, Terminal Island, and Long Beach, Calif.; and be it further



*Resolved*, That the secretary of the senate is hereby directed to prepare and transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to the Senators and Representatives from the State of California in Congress.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the City Council of the City of Minneapolis, Minn., favoring the enactment of legislation which would place the special-delivery messengers under the classified civil service on the same basis as other postal employees, which was referred to the Committee on Civil Service.

Mr. WALSH presented the following resolutions of the General Court of Massachusetts, which were referred to the Committee on Finance:

Resolutions memorializing Congress for the enactment of legislation to promote the general welfare of the United States by alleviating the hazards and insecurity of old age

*Resolved*, That the General Court of Massachusetts hereby urges the Congress of the United States to enact into law the substance of a bill entitled "A bill to provide for and promote the general welfare of the United States by supplying to the people a more liberal distribution and increase of purchasing power, retiring certain citizens from gainful employment, improving and stabilizing gainful employment for other citizens, stimulating agricultural and industrial production and general business, and alleviating the hazards and insecurity of old age and unemployment; to provide a method whereby citizens shall contribute to the purchase of and receive a retirement annuity; to provide for the raising of the necessary revenue to operate a continuing plan therefor; to provide for the appropriation and expenditure of such revenue; to provide for the proper administration of this act; to provide penalties for violation of the act; and for other purposes," being H. R. 4199, Seventy-fifth Congress, first session; and be it further

*Resolved*, That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, to the presiding officers of each branch of Congress, and to the Members thereof from this Commonwealth.

Mr. LODGE presented resolutions adopted by the General Court of Massachusetts, favoring the enactment of House bill 4199, to provide for the payment of annuities to all persons over 60 years of age who thereafter retire from gainful employment, which were referred to the Committee on Finance.

(See resolutions printed in full when presented today by Mr. WALSH.)

Mr. LODGE also presented a resolution adopted by the City Council of the City of Everett, Mass., protesting against the enactment of a Federal tax on fuel oil, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Board of Aldermen of the City of Everett, Mass., favoring the enactment of House bill 4199, to provide for the payment of annuities to all persons over 60 years of age who thereafter retire from gainful employment, which was referred to the Committee on Finance.

Mr. CAPPER presented a petition of sundry citizens of Chanute, Kans., praying for the enactment of legislation to prohibit railroad companies from working employees in excess of 26 days per month except in cases of extreme emergency, which was referred to the Committee on Interstate Commerce.

Mr. COPELAND presented memorials of sundry citizens of the State of New York, remonstrating against the enactment of the bill (H. R. 9464) providing for an excise tax on retail stores, which were referred to the Committee on Finance.

He also presented a resolution adopted by the Petroleum Industries Committee of Westchester County, N. Y., favoring the repeal of Federal taxes on gasoline and lubricating oils, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Building Contractors' and Mason Builders' Association of New York City, N. Y., favoring repeal of the capital-gains and undistributed-profits taxes, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Richmondville, N. Y., praying for the repeal of the undistributed-profits and capital-gains taxes, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of the State of New York, praying for the enactment of the bill (H. R. 1620) to provide for the general welfare by establishing a method for permanently sustaining the primary purchasing power of the Nation, in order to sustain an effective demand for the largest production of the products of industry and agriculture; to induce employment in private enterprise; to provide employment for those unemployed in private enterprise; to provide revenue; and for other purposes, which was referred to the Committee on Finance.

He also presented resolutions adopted by the American Household Storage Co., the National Furniture Warehousemen's Association, the Niagara Storage Co., all of Buffalo; the National Furniture Warehousemen's Association and the Allied Van Lines, Inc., of Far Rockaway and Utica; the Byrnes Bros. Warehouses, Inc., of New York City; Rocco Van & Storage Co., Inc., of Long Island, and Richmond Storage Warehouse & Van Co., of Staten Island, all in the State of New York, and the National Furniture Warehousemen's Association, of Santa Barbara, Calif., favoring an amendment to the Social Security Act so that pay-roll taxes, equally divided between employers and employees, remain at the present level, which were referred to the Committee on Finance.

He also presented a resolution adopted by the annual meeting of the New York State Branch of the Women's International League for Peace and Freedom, protesting against the enactment of the proposed naval expansion program, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted at a business meeting of members of Caton (N. Y.) Baptist Church, protesting against the enactment of legislation that would permit the shipment of intoxicating liquors through the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Association of Highway Officials of North Atlantic States, favoring the enactment of legislation for the construction of arterial transcontinental highways, with the first link to be located between Washington, D. C., and Boston, Mass., which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Young Men's Board of Trade, of New York City, N. Y., favoring postponing of Federal wage and hour legislation until further investigation, which was ordered to lie on the table.

He also presented a resolution adopted by the Willard Woman's Christian Temperance Union, of Waverly, N. Y., praying for the enactment of Senate bill 153, to prohibit the trade practices of block booking and blind selling in the motion-picture industry, which was ordered to lie on the table.

#### REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on Military Affairs, to which was referred the bill (S. 3242) to aid in providing a permanent mooring for the battleship *Oregon*, reported it with an amendment and submitted a report (No. 1525) thereon.

He also, from the same committee, to which was referred the bill (S. 3629) to authorize attendance of Philippine Army personnel at service schools of the United States Army, reported it without amendment and submitted a report (No. 1526) thereon.

Mr. NYE, from the Committee on Commerce, to which was referred the bill (S. 3081) authorizing the Secretary of Commerce to grant to the city of Fargo, N. Dak., an easement over a certain tract of land owned by the United States, reported it with amendments and submitted a report (No. 1528) thereon.

Mr. MILTON, from the Committee on Claims, to which was referred the bill (S. 2895) for the relief of Leona Draeger, reported it with amendments and submitted a report (No. 1529) thereon.

#### ADDITIONAL UNITED STATES COURT JUDGES

Mr. HATCH. Mr. President, on behalf of the Senator from Arizona [Mr. ASHURST] and myself, from the Com-

mittee on the Judiciary, I report for the calendar an original bill, relating to additional judges in the courts of the United States, and I submit a report (No. 1527) thereon.

There being no objection, the bill (S. 3691) to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia, was read twice by its title, and ordered to be placed on the calendar.

#### AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. SMITH. Mr. President, from the Committee on Agriculture and Forestry I report back favorably with amendments the bill (S. 3668) to amend the Agricultural Adjustment Act of 1938, and I submit a report (No. 1530) thereon.

While I am on my feet, Mr. President, I may say that there are certain features of this bill which are very essential for the administration of the act. Time is of the essence, because the planters are now getting ready to put their crops in the ground, and the amendments proposed by the bill are vitally necessary to the proper adjudication of allotments. I hope that at some time in the immediate future our leader will aid us in having the bill considered and passed. The amendments proposed to the act are very essential.

The VICE PRESIDENT. Without objection, the report will be received and the bill will be placed on the calendar.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LA FOLLETTE:

A bill (S. 3686) to amend the Railroad Retirement Act of 1937; to the Committee on Interstate Commerce.

By Mr. MCGILL:

A bill (S. 3687) to amend the Veterans' Regulation No. 10 pertaining to "line of duty" for peacetime veterans, their widows and dependents, and for other purposes; to the Committee on Pensions.

By Mr. SMATHERS:

A bill (S. 3688) to authorize credits to taxpayers against the 1936 tax under title IX of the Social Security Act for contributions to State unemployment funds for the year 1936 paid before January 31, 1938; to the Committee on Finance.

By Mr. DAVIS:

A bill (S. 3689) for the relief of Herbert H. Lauer; to the Committee on Claims.

By Mr. BERRY:

A bill (S. 3690) for the relief of Joseph E. A. Goodkey; to the Committee on Civil Service.

(Mr. HATCH (for himself and Mr. ASHURST) reported an original bill from the Committee on the Judiciary (S. 3691), which was ordered to be placed on the calendar and appears under a separate heading.)

By Mr. BAILEY:

A bill (S. 3692) to authorize and direct the Comptroller General of the United States to allow credit for all outstanding disallowances and suspensions in the accounts of the disbursing officers or agents of the Government for payments made to certain employees appointed by the United States Employees' Compensation Commission; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 3693) to amend section 4401 of the Revised Statutes with respect to the operation of private yachts on inland waters; to the Committee on Commerce.

A bill (S. 3694) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Sigfried Speyer; to the Committee on the District of Columbia.

By Mr. HILL:

A bill (S. 3695) granting an increase of pension to Rosalie Hood; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 3696) to authorize the temporary appointment of a special judge for the District Court of the Virgin Islands; to the Committee on the Judiciary.

#### METHOD OF APPOINTING POSTMASTERS—MOTION TO DISCHARGE COMMITTEE

Mr. O'MAHONEY. Mr. President, Calendar No. 1348, Senate bill 3022, is a bill reported by the Committee on Post Offices and Post Roads amending the law relating to the appointment of postmasters. The report was accompanied by minority views in which there was a recommendation that there be substituted for the bill reported by the committee a House bill which has passed the House and which is now pending before the Committee on Civil Service.

In order that the matter may be in a proper parliamentary status when and if the bill reported by the Committee on Post Offices and Post Roads shall be called up, I desire now to enter a motion to discharge the Committee on Civil Service from the further consideration of House bill 1531, extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes.

The VICE PRESIDENT. The motion will be entered and go over under the rule.

#### REORGANIZATION OF EXECUTIVE DEPARTMENTS—AMENDMENT

Mr. MALONEY submitted an amendment intended to be proposed by him to the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes, which was ordered to lie on the table and to be printed.

#### TRIBUTE TO OUR IRISH HERITAGE—ADDRESS BY SENATOR WALSH

[Mr. LONERGAN asked and obtained leave to have printed in the RECORD an address entitled "A Tribute to Our Irish Heritage," delivered by Senator WALSH at a commemorative celebration of St. Patrick's Day at Springfield, Mass., on March 13, 1938, which appears in the Appendix.]

#### ADDRESS BY SENATOR MALONEY BEFORE FRIENDLY SONS OF ST. PATRICK

[Mr. BAILEY asked and obtained leave to have printed in the RECORD an address delivered by Senator MALONEY before the Friendly Sons of St. Patrick at the Hotel Astor, New York, on Thursday, March 17, 1938, which appears in the Appendix.]

#### THE SPIRIT OF THE IRISH IN AMERICAN HISTORY—ADDRESS BY HON. JAMES A. FARLEY

[Mr. SMATHERS asked and obtained leave to have printed in the RECORD an address delivered by Hon. James A. Farley before the Friendly Sons of St. Patrick at Elizabeth, N. J., March 17, 1938, on the subject of The Spirit of the Irish in American History, which appears in the Appendix.]

#### PHILIPPINE INDEPENDENCE

[Mr. BORAH asked and obtained leave to have printed in the RECORD an article by Gen. Hugh S. Johnson, published in the Washington Daily News of March 17, 1938, relative to Philippine independence, and an editorial on the same subject published in the Chicago Daily Tribune of March 17, 1938, which appear in the Appendix.]

#### LIFE MEMBERSHIPS IN ARMY AND NAVY UNION

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a news release of March 21, 1938, under the heading "Army and Navy Union Honors Disabled Buddies; More Than 550,000 Life Memberships Voted to Former Service Men and Women," which appears in the Appendix.]

#### REORGANIZATION OF EXECUTIVE DEPARTMENTS

The Senate resumed the consideration of the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes.

The VICE PRESIDENT. Prior to taking a recess on Friday last, the Senate entered into a unanimous-consent



agreement limiting debate after the conclusion of the remarks of the Senator from Utah [Mr. KING], who then had the floor. The Chair will recognize the Senator from Utah to finish his remarks.

Mr. NORRIS. Mr. President, did the Chair state that there is a unanimous-consent agreement limiting debate?

The VICE PRESIDENT. There is.

Mr. NORRIS. Does it apply only to the pending amendment, or does it have further application?

The VICE PRESIDENT. The unanimous-consent agreement will be read.

The Chief Clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

*Ordered*, by unanimous consent, That after the conclusion of the address of the Senator from Utah [Mr. KING] no Senator shall speak more than once nor longer than 30 minutes on the bill S. 3331, the Reorganization Act of 1938, nor more than 15 minutes in the aggregate on any amendment proposed thereto: *Provided*, That this agreement shall not apply to a motion to recommit the bill.

[Mr. KING resumed and concluded the speech begun by him on Friday last. His speech follows in its entirety.]

Mr. KING. Mr. President, I regret that I was denied the privilege of hearing the greater part of the debate upon the pending bill owing to the fact that meetings of committees of which I am a member have been held and are being still held during hours when the Senate is in session.

I am opposed to the bill and shall vote against it. Some of its provisions I believe to be unconstitutional and others harmful if not dangerous. It seeks to increase the power of the executive department at the expense of the legislative branch of the Government, and confers power upon the Chief Executive which in my opinion may not be justified. I shall refer to the report of the President's Committee on Administrative Management in the Government of the United States, which prepared the bill, and the modifications not vitally important, that have been made in the measure recommended by the President's commission and transmitted to Congress. Those modifications are exhibited in the several bills which have been considered by the committee reporting this bill to the Senate, and I shall refer to it and point out such changes as were made in the various bills following it.

First, I desire to pay a tribute to the Senator from Virginia [Mr. BYRD] for his patriotic and earnest efforts to effect economies in the administration of the Government, and to bring about a reorganization of the various bureaus and Federal agencies to the end that the Government may be more efficient and the expenses of the Government materially reduced. In my opinion his efforts have not received the support from officials of the Government to which they were entitled, and that his views have not received that consideration which their merits demanded.

On the 24th day of February 1936 a select committee of the Senate was appointed to investigate the executive agencies of the Government. It was created under Senate Resolution 217, which required the committee to study the activities of all of the Departments of the Government with a view to determining whether consolidation, changes, and coordination in the various executive agencies of the Government economies might not be effectuated and the personnel reduced.

In order to carry out these instructions it retained the Brookings Institution, in conjunction with the President's Committee on Administrative Management and the Committee on Reorganization of the House of Representatives, to make a functional and fact-finding survey of the agencies of the Government, and submitted the results of its work in the form of a report consisting of more than 1,000 printed pages.

The report of the Brookings Institution contains a wealth of information and should prove valuable to those interested in reducing the expenses of the Government and in securing administrative reforms. However, the special committee organized under Senate Resolution 217 was superseded by the committee which has reported the pending bill.

The President, in 1936, appointed a Committee on Administrative Management, to examine the whole problem and to suggest for the President's guidance a constructive, comprehensive, and balanced program in dealing with overhead organizations and management of the executive branch of the Government. The committee consisted of Louis Brownlow, chairman; Charles E. Merriam; and Luther Gulick. This committee, on January 7, 1937, submitted its report together with a bill, to the joint congressional committee on Government reorganization in order to carry into effect its recommendations. This bill contains some rather extraordinary provisions but has been somewhat modified in the various bills which have been from time to time reported by the select committee on governmental reorganization. However, it constitutes the basis of the various bills submitted, including the one under consideration. So that it may be said that it is the product of the President's commission headed by Mr. Brownlow.

As I have indicated, the select committee created under the resolution offered by the Senator from Virginia [Mr. BYRD] was superseded by or merged into the select Committee on Government Organization which reported the bill now before us.

Mr. President, in my opinion, more satisfactory results would have been obtained if the select committee, proceeding under the resolution offered by the Senator from Virginia, had been permitted to go forward. However, as stated, it had been swallowed up or merged into the committee reporting the bill now before us.

Mr. President, I had the pleasure of hearing the addresses of the Senator from Virginia [Mr. BYRD], and the Senator from Michigan [Mr. VANDENBERG], the Senator from Idaho [Mr. BORAH], and the Senator from North Carolina [Mr. BAILEY]. Their addresses present facts and arguments which seemed to me not only persuasive but unanswerable in opposition to the bill in its present form which we are now considering.

As I came into the Chamber a few moments ago the Senator from South Carolina [Mr. BYRNES] was speaking and he was interrogated by the Senator from Virginia [Mr. BYRD]. The Senator from South Carolina was defending the bill, but in my opinion he did not fully meet the questions propounded by the Senator from Virginia and the question submitted by the Senator from Michigan [Mr. VANDENBERG].

Mr. President, I have upon a number of occasions stated that all efforts to reduce Federal expenses and to reduce the number of Federal agencies had been unavailing and that there was every indication that future efforts would prove equally futile.

The increase in the number of governmental bureaus and agencies cannot, in my opinion, be defended, and there seems to be no disposition to prevent the creation of further Federal agencies. Many persons indulge in loud declamations in favor of economy, but no serious efforts are made to accomplish that result. Our gestures in the direction of economy are idle and no longer are regarded as important. Notwithstanding our talk in favor of economies, we vote for additional bureaus and agencies and multiply the number of employees, and of course vote larger appropriations to meet the situation.

Mr. President, I look for no reduction in expenses of the Government under the provisions of the bill before us, or for that matter any bill that will receive consideration at the hands of this Congress.

There will be appropriated for the next fiscal year by the Federal and State Governments at least more than 25 percent of the gross income of the people of the United States. This is an oppressive burden to place upon the American people. To exact this huge sum from the earnings of the people—rich and poor—cannot be justified, and obviously must result in preventing business expansion and in delaying the return of prosperity. It is evident that capital investments are essential if the country is to move forward out of this depression, and needed capital investments may

not be made when such enormous exactions are levied upon the gross earnings of the people. I know there are some who would destroy the capitalistic system and impose the hateful system of state socialism upon the country.

Unfortunately, there are some who would impose upon the American people a form of government the antithesis of democracy; some preach the totalitarian philosophy; others praise the ideology of socialism. This Republic has grown from a narrow strip along the Atlantic inhabited by a very limited number of people, some of whom were refugees from foreign lands, until today it may be said without boasting that it is the strongest and certainly the freest Government in all the world. With all of the imperfections incident to democratic institutions, the greatest degree of liberty and the greatest intellectual, moral, and spiritual triumphs are obtained under democratic institutions, such as those which have been given to us by the founders of this Republic. We may depart from them, but if we do there will be penalties that we and our children will be compelled to suffer. We were wise if we thought more of the spirit and principles of genuine democracy, and less of alien political governmental systems.

In periods of depression fertile fields are often found in which are sown, not the seeds of progress, but the tares and the seeds of discontent, and not infrequently of destructive forces. In my opinion we should strengthen the pillars of the Republic and adopt policies under which industry and economic progress will be protected and democratic principles and policies find full opportunity for realization.

Mr. President, I was speaking of the enormous appropriations required to meet the expenses of the State and Federal Governments. They are greater, as I believe, than those in many other countries, and as the Federal Government enters into the fields of private endeavor and engages in activities not within the concept of the duty or the province of a democratic government, obviously the expenses of the Government will be increased. The criticism is sometimes made that the cost of the Government of the United States exceeds that of any other government and that the number of persons who are receiving gifts, subsidies, compensation, and bounties from the Federal Government exceed that of any other government. At any rate the personnel has largely increased during the past few years and there is no evidence of a reduction in the number of employees of the Government or in the number of Federal organizations.

The bill before us, in my opinion, will increase Federal expenses and add thousands if not tens of thousands to the Federal pay roll. The Democratic Party for years prided itself upon its support of economy in government, and in its State and national platforms avowed its devotion to economy and condemned the Republican Party for its extravagance in the administration of State and National Governments. I feel that we are not living up to the professions of the Democratic Party and we will come vis-à-vis with the criticisms which we have leveled against our political opponents.

In 1933 the Chief Executive declared in favor of a 25-percent reduction in the cost of government. I know that the President was sincere in his determination to reduce the expenses of the Government and to inaugurate policies that would make for an efficient administration. The depression which overwhelmed the Nation thwarted the plans which would have brought the results desired. However, Congress and the people have not been willing to support policies that would reduce governmental expenses, but, upon the contrary, have made demands for increased expenditures; and even now from all parts of the United States requests are made for large appropriations for activities which are outside of the functions of the Federal Government. The Federal Government is importuned to engage in enterprises that belong exclusively to individuals or local communities or States. There seems to be a growing disregard of the philosophy of this Republic the States are being regarded by many as mere administrative units in a powerful and omnipotent

National Government, and local communities are being persuaded to look to the Federal Government for bounties and contributions to aid them in the discharge of responsibilities purely domestic and local in character. It cannot be denied that the centripetal forces operating in the Republic have assumed almost irresistible strength during the past few years, and legislation is sought which is hostile to our form of government but which in its very nature tends not only to the weakening but to the destruction of the States and the aggrandizement of the Federal Government.

Many American citizens are urging the Federal Government to exert greater authority and power, to transgress constitutional limitations, and to carry out policies which ultimately would merge the States into one colloidal mass. It will be a task for the American people, one requiring courage and a high degree of patriotism, to maintain our dual form of government, the States and the protection of individuals. And, as the demands for increased appropriations are made and granted, more and more the States and the people rely upon Federal contributions for local and State purposes. The view is entertained by many that the Federal Government should supply all the monetary as well as the material needs of the people. The view is entertained by some that the Federal Government has unlimited resources, and funds to loan to all who desire to be borrowers, and grants to be made to all who may desire financial or other help.

I have upon a number of occasions during the past few years challenged attention to the fact that our indebtedness had reached what I believed to be alarming proportions; that, notwithstanding the enormous increase in taxes, it had not kept pace with the appropriations. The appropriations for the next fiscal year, which will be made before this Congress adjourns, will probably exceed \$8,000,000,000. Indeed, the statement has been made that it will pass the \$9,000,000,000 mark. Only a few years ago the entire cost of the Government was less than a billion dollars a year. If this great flood of appropriations is continued, it will not be long before the Federal indebtedness will be \$40,000,000,000. The indebtedness of States also has increased, and the political subdivisions of the States have, during the past few years, materially added to their public debt. I have not seen the figures of late, but I think I am safe in saying that the indebtedness of the States and their political subdivisions would be in excess of \$20,000,000,000.

There is a limit to public credit, and it were well if the American people appreciated the imperative necessity of limiting their appropriations and adopting sound and rational policies which will maintain National and State credit and bring about important reductions in the public debt. Inflation is a deadly enemy. It is a vice which has destroyed communities and governments. And governments may not indefinitely continue a spending policy without adopting provisions to keep in balance expenses and receipts without ending in bankruptcy.

I believe that Congress should insist upon a policy that will compel reductions in expenditures and effect a balancing of the Budget. Unfortunately we now hear but little about balancing the Budget. Two years ago, and even 1 year ago, we often heard the statement that steps were being taken or had been taken to balance the Budget. But that is a lost chord today, and the music that we hear now with so much delight is that which proclaims the dispensing of funds and credit to all parts of the land. This music may be satisfactory today, but it will end in raucous sounds and horribly discordant notes.

As stated, however, a few moments ago, the futility of appeals for economy and for sound, rational, and effective reorganization in the departments of the Government which would result in the elimination of bureaus and agencies and the separation from the public service not only of thousands, but of tens of thousands of Federal employees, has been demonstrated.

Mr. President, I have so often called attention to the mounting costs of government, to profligate expenditures



that were being made, that I have perhaps subjected myself to criticism. Upon various occasions, I have moved to recommit appropriation bills with instructions that they be reduced from 5 to 10 percent. These motions have always failed for lack of support; and yet, as I have stated, the Democratic Party has avowed with great earnestness its devotion to economy, and pledged the party to material reductions in expenses and to reforms and reorganizations in the administrative service of the Government.

Mr. President, hope eternal springs in the human breast, and yet I have but little hope that, if this bill shall be enacted into law, Government expenses will be reduced. Upon the contrary, in my judgment it will increase the number of employees, and the appropriations for the next year, enormous as the appropriations are for this coming fiscal year, will exceed the same. There must be a change in our views, in the present psychology of the party in power, and a grim determination to inaugurate economies in harmony with sound economic and governmental policies, if there shall be a halt in this apparently unrestrained torrent of governmental expenditures. Have we not often been guilty of opportunism, of expediency? And have we not treated with contumely pleas for the adoption of economies and the destruction of useless branches upon the governmental tree? Why should not the Senator from South Carolina [Mr. BYRNES] consent to a modification of the bill under consideration? Why create another Federal department, and perpetuate bureaus and agencies which should be abolished? Why should the Congress of the United States abdicate its functions and delegate to the Executive power and authority which, under the Constitution, exclusively belongs to it? Why should the Civil Service Commission be abolished, and great power conferred upon one person—to determine the administrative activities of that branch of the Government?

I am told that there are nearly 900,000 men and women now under civil service. That is a great army. With their families, they can exercise great influence and power in State and Federal elections. In addition, there are more than 600,000 persons upon the Federal pay roll; there are more than a million and a half American citizens who derive compensation from the Federal Government. This does not include, of course, the several million persons who are connected with various relief or similar organizations. And, as I have indicated, the Federal pay rolls are being added to, and the National Government is more and more enlarging its functions, and embarking upon activities which are not governmental in character. To enumerate the enterprises and business activities of a private character operated by the Federal Government would, I feel sure, fill several pages. In other words, the functions of the National Government are being expanded so that, more and more, the business of the country—business which belongs essentially under our form of government to individual initiative and individual effort—is being drawn within the influence, if not the direct control, of the National Government. Obviously this policy, if not checked, will increase in momentum and volume and power, until it will be the dominating force in the industrial and business life of the people.

Corporative states in other lands have taken the place of governments more or less democratic, or in which the capitalistic system prevailed. When a government becomes the creditor of most of the people, more and more will the resistance of the people to governmental encroachments be weakened, and more and more will the people look to the government to be a benevolent father if not a benevolent despot. A situation of this character inevitably leads to the undermining of the morale of the people and a subsidence of that fine spirit of individualism essential to individual growth and development.

The strength of democracy rests upon the individual, and if he loses his initiative, his confidence in himself, his regard for local self-government, and his desire to participate in the same, then the path to centralized authority is broadened. Jefferson's philosophy, and it was also Lincoln's, rests

upon the proposition of the competency of the individual to govern himself, his ability to participate in governmental activities, and share the responsibilities of governmental authority. He stated that—

Every government degenerates when trusted to the rulers of the people alone. The people themselves, therefore, are its only safe depositories. \* \* \* agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are the most thriving when left free to individual enterprise.

But I fear we are departing from that concept and are subordinating ourselves, as individuals, to bureaucratic authority and control. Too many are accepting bounties and gifts and the extension of Federal authority, all of which tend to weaken the individual and to undermine his confidence in his capacity to be a successful factor in the industrial, economic, political, and spiritual life of the community.

I recall reading the words of Hilary Belloc, in his book entitled "The House of Commons and Monarchy." He stated—

Men eager for freedom and dignity of living in the individual rightly demand the separation of the various powers in sovereignty. They insist on an independent judiciary; on a legislature uncontrolled by the Executive. But men who are concerned rather with the strength of the state, and especially with its action abroad \* \* \* rejoice to recognize a high and successful centralization of sovereignty, however masked, or under whatever name.

Chief Justice Marshall, with his federalistic views, looked with concern upon any movement that would undermine the States. He said that—

No political dreamer ever was wild enough to think of breaking down the lines which separate the States and of compounding the American people into one common mass.

I fear that the bill before us tends to that end. It provides for a new department of public welfare, which, it will be contended, is to take over many of the functions and responsibilities of the States. It will lead the people to believe that the Federal Government is a huge eleemosynary institution designed to provide bounties and gifts and charities and support for the people. Into this new department is to be thrown, or deposited, education; and that will lead many to believe that the Federal Government is to take over the public schools and to control the educational system, the educational thought, and the educational policies of our country. Nothing could be more dangerous to democratic institutions than the control of education by the Federal Government. The public schools belong to the people and to the States, and the Federal Government must keep its hands off from public education and from the fountains that pour forth the clear waters of democratic thought. But, as I have indicated, the morale of the people, by reason of the Federal Government's intrusion into the States and local communities, is by some believed to be weakened, resulting in increased demands, as I have stated, and a growing insistence that Washington with its bureaus and agencies and thousands of employees shall supervise and control individual action and local governments.

It has been said by a writer of eminence that the growth of National Government with the consequent strengthening of its sovereign character leads to an increase of centralization. The problem that nations have to solve is to make local life real. It requires revivification here. An interest in local problems will have to be aroused, not less keen and vivid than the interest in national problems. Unfortunately, local life is being sacrificed to the absorptiveness of a central government, and thus the creativeness and independence of the people are being undermined, if not destroyed.

Mr. President, these observations are prompted by the obvious movements of the Federal Government to increase its authority and power, and that purpose is manifested in the bill before us. The bill does not make for democracy, does not make for individual initiative, but, rather, it strengthens bureaucracies and tends to impress upon the people the view that the Federal Government is a fairy godfather or god-mother and exists for the purpose of meeting all their wants

and needs. Moreover, it tends to emphasize the view that the executive department should be strengthened, even at the hands of the legislative branch of the Government.

I referred a few moments ago to the huge tax burden and the increased expenditures of the Government. I notice that the able Senator from Virginia [Mr. GLASS] has just come to the floor, and I take the liberty of calling attention to his warnings upon a number of occasions of the dangerous, if not deadly, course which governments pursue that persist in creating deficits and piling up national debts of great magnitude. I fear that we have become indifferent to his wise and safe counsels—perhaps as indifferent as some of the Israelites of old were to the prophecies of their inspired leaders. Those who read that great Book remember the warnings of prophets against impending dangers, and the disregard of the people of Israel of their importunities and pleadings and their persistence in following false gods.

Mr. President, one of the dangers of a strong central government is the influence, openly or covertly, which it exercises over communities and individuals. The people instinctively look to it, particularly in periods of distress and disaster, and little by little its agencies, bureaus, and officials exercise increased influence and authority in every part of the land. They represent the Central Government. They are regarded as the agents of the political leaders and political rulers of the country, and, as the economic and political life of the country becomes more and more intertwined, they and the Central Government are looked to to ameliorate economic conditions or to minister to the wants of the people when economic or other problems are presented.

No one can deny that there is a gravitational force operating in the political and economic life in our country which draws from the States, communities, and individuals their authority and power and transfers it to the National Government. More and more the Federal Government, as designed by the fathers, is becoming a National Government, with a "big N," and the States, more and more, are undergoing a process of devitalization.

Efforts have been made by some, including the distinguished Senator who now occupies the chair [Mr. O'MAHONEY], to maintain the integrity of our judicial system. The attempt to deny the power of judicial review and to weaken the authority of the Supreme Court was, in my opinion, a manifestation of some of the tendencies toward the centralization of unconstitutional power in the Federal Government.

Mr. President, I regret that the Senator from South Carolina [Mr. BYRNES] has given his splendid ability to the support of the bill which we are considering. He comes from the Democratic South. He is acquainted with the history of democracy and knows the philosophy upon which the great party of Jefferson rests. He should be in the ranks of those opposing this bill, in view of his training and of the fact that he comes from a great State whose leaders, from the beginning of our Government, were among the foremost champions of democracy and the ablest defenders of States' rights and individual liberty.

If I may be pardoned a personal allusion, I derived my political faith from the great Democratic leaders of the South—from Jefferson, Jackson, Calhoun, and scores of others. From the time that I was able to understand the principles and policies of the two great parties, I gave my allegiance to the Democratic Party. I believed that the great men of the South were the truest exponents of the philosophy of government. When I attended college I read the *Courier-Journal*, which breathed the spirit of Henry Watterson, and he, and Morgan, and Vest, and Harris of Tennessee, and White of Louisiana, and other prominent men of the Southern States, proclaimed the principles of the Democratic Party; and the views which I formed in my youth concerning our form of government have guided me in my political life. I am a Democrat, accepting the philosophy of Jefferson, and the doctrine that ours is a dual form of government, that the States are sovereign and indestructible, and that the Federal Government is one of enumerated and delegated powers, and that when it transcends the limited authority given it in the

Constitution it commits a grievous assault upon the States and upon individuals.

Mr. President, I appeal to my friend from South Carolina [Mr. BYRNES] to lift his voice in behalf of democratic principles, and in protest against this bill, which, in my opinion, will increase the authority of the Federal Government and strengthen the hands of bureaucratic forces, and augment the costs of government.

Mr. President, under the terms of this bill, we are surrendering authority belonging to the legislative branch of the Government. This bill is a confession by Congress that it is willing to abdicate some of its authority and remit to the Executive responsibilities which rest upon it. Do we not confess our impotence or lack of ability or courage to deal with an important question, which is within our jurisdiction, when we delegate the authority to the executive branch of the Government, as this bill does? If Congress is unwilling to discharge its duties and perform its legislative functions, then our tripartite form of government is at an end.

In many countries, past and present, the legislative branches of governments have not infrequently surrendered their authority, with unfortunate results to the people.

Mr. President, we must not confess that we are incompetent to legislate upon the question of the organization of the Federal Government and the duties and functions and responsibilities which are to be exercised by such Federal agencies. Congress is not so impotent that it may not draw the line between executive and legislative authority and power. It controls, or should control, the purse; it should determine what Federal agencies and departments and bureaus shall exist; it should define their duties, limit their authority, consolidate where required, and abolish where needed. Those are functions of the Federal Government.

There is no authority in the Constitution to support some of the provisions of the bill before us. Nor can we find justification in the Constitution for the transfer of legislative authority to the executive branch of the Government. There may be no parallel between our countries and nations beyond the seas, but we do find—in Poland, in Germany, in Italy, as well as other countries—the weakening of the parliamentary system, the degradation of legislative branches of governments, and the assumption by executive leaders—whether presidents or military commanders or Reichsfuehrers—of practically unlimited legislative and executive authority.

May I add that Great Britain, be it said to her everlasting credit, stands like a rock amid the storms and tempests with which she is beset. She is maintaining democratic institutions—the authority of the Parliament, and the integrity of democratic institutions.

Even in South and Central America, the paths of democracy are uncertain. Indeed, at times they are very devious. Legislative branches are not infrequently overthrown, and the reins of power seized by presidents, who exercise dictatorial authority. It should be said that most of the South American states attempted to frame their constitutions along the lines of our Constitution; but, as I have indicated, they did not always follow the terms of their fundamental law, and military chieftains not infrequently ignored constitutional government, and assumed dictatorial authority.

Mr. President, there is no promise of immortality to this, or to any other nation or government; but this Republic, notwithstanding the fact that writers of eminence have pronounced all republics to be fragile, possesses elements of strength and permanency not found in any governmental structure ever devised by man. But great treasures call for great courage and constant protection. Indifference to principles that make for liberty and justice and the happiness and peace of the people will have corroding effects. Our fathers, by their blood and suffering, provided for us a jewel beyond price. We must protect it, and defend it against all foes, whether from without or from within. The inhabitants of this Republic have come from many countries. They have made material contributions to the development of the



Republic. It may be that there are some who were born here and some who came from beyond the seas, who are not living up to the high precepts of democracy. There are evidences that some Americans are inoculated with alien ideas of government, and would willingly change our democratic government for a socialist state. There are some who, as I have indicated, would merge the States into a powerful central government, whose authority would not be restrained by constitutional limitations. There are some Americans who come with hat in hand, begging the Federal Government to take over functions which belong to their local communities or to their States. Apparently, they are willing to surrender their State governments and, as I have stated, merge their local and State governments with the Federal Government.

Mr. President, I believe that there should be a renaissance of democracy. Those who love our country, its traditions, and believe in its mission should be aroused to every encroachment upon the liberty of individuals or the States and should resist every effort to change our form of government and surrender to the Federal Government power not conferred upon it, but reserved to the States and to the people, respectively. I am not an alarmist, but human nature is much the same. People are caught by the glamour of authority and power. They are swept from earnest convictions by contributions and benefactions and subsidies from the hand of authority and power.

Mr. President, what I have said has been prompted by the colloquy between the Senator from Virginia [Mr. BYRD] and the Senator from South Carolina [Mr. BYRNES]. It had been my intention to participate earlier in the debate upon the bill, but, owing to engagements in various committees, the opportunity to follow the debates and to express my views concerning the bill under consideration has been denied me.

I have, however, made an analysis of the various bills which have been prepared since the President's Committee on Reorganization submitted its bill and will submit some remarks concerning them. There have been some changes in these bills, but the measure now before us contains most of the important provisions of the President's committee's bill. The thread of the so-called Brownlow bill runs through, like a scarlet thread, the various measures which have been submitted, including the one under consideration.

#### COMPARATIVE ANALYSIS OF THE VARIOUS REORGANIZATION PROPOSALS

The President's Committee on Administrative Management, in its report to the President January 8, 1937, made the basic recommendations which are embodied in the various reorganization bills which have been submitted to the Senate. The original report of the committee sought to delegate to the President vast powers, as will be seen from a study of that report, together with the various measures which have attempted to reduce the report to legislative form.

As stated, the President's committee appended to their report a bill which is also attached to the report submitted by the Senator from Virginia, in order, of course, that we might learn what the President's recommendations were so far as the recommendations of his committee were.

As I have stated a number of bills have been framed based upon the report of the President's committee and are known as—

(a) S. 2700, introduced by the late Senator Robinson, June 23, 1937;

(b) S. 2969, introduced by Senator BYRNES, August 14, 1937;

(c) S. 2970, introduced by Senator BYRNES, August 16, 1937, and reported by the Select Committee on Government Organization without amendment;

(d) S. 3331, introduced by Senator BYRNES, January 27, 1938; and

(e) S. 3331, as it was reported by Mr. BYRNES from the Select Committee on Government Organization, with amendments.

It is not a long step from the report of the President's committee to the latest draft known as S. 3331, which is now before us.

In order to show the relation between the first measure submitted by the President's committee and the intervening bills and the one under consideration, I shall attempt to analyze them.

In passing, an inquiry might be made as to what came of the investigation which was authorized by the resolution offered by the Senator from Virginia [Mr. BYRD]. Evidently it has been cast aside and the committee, headed by the late Senator from Arkansas [Mr. Robinson], and the Senator from South Carolina [Mr. BYRNES] proceeded to make some investigation which culminated in S. 3331, now before us.

Title I of the bill deals with the reorganization of the executive branch and the delegation of power to the President to accomplish this reorganization.

#### A. RECOMMENDATIONS OF THE PRESIDENT'S COMMITTEE

The committee recommended 12 major executive departments, by adding to the existing 10 a department of social welfare and a department of public works. The President was given power to regroup all the 133 agencies of the Government—and there are more than that, by the way—so that every agency would be under some one of the 12 executive departments. He had power to abolish any agency he saw fit, to regroup, transfer, retransfer, consolidate, and coordinate the various functions of any agency, without limit.

This power was to be given to the President without limitation as to time, and was to be a continuous administrative reorganization. Thus, if this plan were carried out, Congress would forever delegate all its powers in regard to the organization of the Government. Any President could abolish any function or any agency, even though it had been created by Congress to perform a specific designated task. He could change personnel and functions from one Department to another as experiments, and there was no restriction placed upon this power. He could make some Departments gigantic in structure, and others mere shells, without duties or personnel.

Furthermore the power was extended to the administrative functions of the so-called independent agencies, the Interstate Commerce Commission, the Federal Trade and Power Commissions, and so forth, the agencies which Congress set up with a view that they should be specifically independent of the Executive, in view of the quasi-judicial and legislative character of their work. The President's committee would separate the judicial aspect from the administrative aspect of these Commissions, and under this proposed plan, the regulatory agency would be set up, not in a governmental vacuum outside the executive departments, but within a Department. There it would be divided into an administrative section and a judicial section. This administrative section would be a regular bureau or division in the Department, headed by a chief with career tenure and staffed under civil-service regulations. It would be directly responsible to the Secretary and through him to the President. The judicial section, on the other hand, would be in the Department only for purposes of administrative housekeeping, such as the Budget, general personnel administration, and material. The first bill drafted, S. 2700, which was introduced by our deceased friend, the late Senator Robinson, of Arkansas, contained this provision:

The President is authorized by Executive order to transfer to an executive department any of the routine administrative and executive functions of any independent establishment which are common to other agencies of the Government, such as the preparation of estimates of appropriations, the appointment of personnel and maintenance of personnel records, the procurement of material, supplies, and equipment, the accounting for public funds, the rental of quarters, and related matters. (Sec. 2, subsec. c.)

It is clear that the President's committee desired to bring these Commissions under the control of the President, for they state that—

As they (the Commissions) grow in number, his (the President's) stature is bound to diminish. He will no longer be in reality the Executive.

In such a provision Executive control is given over agencies which must be essentially independent of the Executive if they are to perform the work for which they are created. If independent agencies having quasi-judicial authority are dependent upon the will of the Executive, then they will be unable to function and accomplish the purposes for which they were created. We are all familiar with the famous *Humphreys* case involving the Federal Trade Commission. The Supreme Court of the United States unanimously affirmed the independence of that body and denied the right of removal of one of its Commissioners except as for such cause as was prescribed by Congress.

May I say in passing that there is nothing in either of the bills submitted that will effect economies in the administration of the affairs of the Government. Indeed a fair and impartial examination of the bill submitted by the President's committee as well as the ones following it, and the one under consideration would, if enacted into law, increase the operating expenses of the Government. So that the claim that one of the purposes of the reorganization of the Government was to reduce expenses and promote economy is found to be without merit.

A few moments ago the Senator from South Carolina [Mr. BYRNES], in response to the questions propounded by the Senator from Virginia [Mr. BYRD], as to the agencies or Departments or organizations that would be eliminated and what economies would result, declined to make any statement indicating that the expenses of the Government would be reduced. He declined to concede that there would be a reduction of 5 percent in the enormous cost of the Federal Government or in the more than \$8,000,000,000 of Federal appropriations for the next fiscal year. We were led to believe that one of the principal purposes of the reorganization of the Federal Government was to abolish numerous agencies and to materially reduce the expenses of the Government. We have increased the taxes several hundred percent and are now collecting more than \$5,000,000,000 and, as I have stated, appropriating approximately \$8,000,000,000. Indeed the appropriation for the next fiscal year may reach the stupendous sum of \$9,000,000,000.

It is evident from a cursory examination of the bill now before us, as well as of the preceding measures, out of which this one has grown, that there will be no reduction in the expenses of the Government and the question of economy may relatively be treated to mean that there will be no relief from the burdens of taxation.

I think we should be frank and say to the American people that the measure before us is not to be regarded as one which will result in economies and that no changes or shuffling in the agencies of the Government will make any contribution to the reduction of expenses of the Federal Government. Indeed, as I read the report of the President's committee, there is a confession that economy was not the object. I think it is pertinent to inquire what is the object? The bill before us promises no economy. Evidently then the purpose was to increase the departments of the Government and to shuffle and rearrange the various agencies, bureaus, and organizations now sheltered under the Federal Government. I should add that the bill before us fails to follow the recommendation of the President's committee that two new departments be created, and provides for but one new department.

The Senator from Virginia [Mr. BYRD] in his minority report, states that—

\* \* \* Economy and efficiency should be the chief object of any program of governmental reorganization. \* \* \*

I regret that we are not by this bill adopting the sound and patriotic views in this respect submitted by the Senator from Virginia. We do not approve his statement that "the chief objective of any program of governmental reorganization should be economy and efficiency" if we give support to this bill.

On two public occasions the President stated that the powers he desires for the reorganization will not result in large

savings. One member of the President's committee predicted that the expenses of government would continue to increase. The hearings before the Joint Committee on Government Reorganization indicate that the proposed reorganization is not for the purpose of economy. That statement is found on page 7. We may then inquire: What is the purpose of this bill? Is not the answer that it is to abolish the General Accounting Office and the Comptroller General, and the Civil Service Commission as now constituted, and confer additional power upon the executive department?

Let me read from the hearings of the committee. The Senator from Oregon [Mr. McNARY] propounded the following question:

You do not anywhere propose any retrenchments or lessening of the costs of government, do you?

Mr. Brownlow, of the President's committee, replied:

We believe that the organization itself would have some effect in economy, but we were not concerned with policy.

May I ask, what were they concerned with? They did not reduce the number of departments, but recommended an increase; and they deny that they were concerned with the question of economy.

Mr. President, I fear this bill will prove a delusion, and be regarded as an imposition upon a credulous community.

Representative WARREN, on page 230, of the hearings, asked the following question of Mr. Buck who was a member of the President's committee:

Have you attempted to estimate the increased cost of your proposed system over the present system?

Mr. Buck replied:

I think I stated the other day that I did not think the costs should be any greater, or very little greater.

Here is a confession by this important consultant that the costs might be greater.

In January of last year, in a press interview, the President estimated the savings by reorganization at about one-third of 1 percent of present expenditures. In his message at the convening of the special session of Congress, in again emphasizing that large savings cannot be expected as a result of reorganization, the President said:

The experience of States and municipalities definitely proves that reorganization of government along the lines of modern business administrative practice can increase efficiency, minimize error, duplication and waste, and raise the morale of the public service. But that experience does not prove, and no person conversant with the management of large private corporations or of governments honestly suggests that reorganization of government machinery in the interest of efficiency is a method of making major savings in the cost of government.

It would appear from these statements that there will be no decrease in governmental expenditures; indeed, one of the witnesses referred to stated he thought there would be an increase. I repeat, this bill, if enacted into law, will prove disappointing to many patriotic citizens who believe the costs of government are too great, and that many, indeed, several score of Federal agencies should be abolished. They expect that a proper reorganization measure will be effected. Learning, as they have, that scores of new Federal agencies have been created during the past few years, largely based upon the claim that the depression necessitated their creation, they have expected the abolition of many of these Federal agencies and that material reductions would be made in the operating expenses of the Government. But the bill before us calls for a department of welfare, having a secretary with a salary of \$15,000 yearly, an under secretary with a salary of \$10,000 a year, two assistant secretaries at \$9,000 each, a solicitor at \$10,000, and such other employees and officials as may be necessary. There is also provided a permanent national resources planning board, of five members, whose compensation is to be \$50 each per day, plus transportation costs, with a limit of \$9,000 each per year.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. KING. I yield to the Senator from New York.



Mr. COPELAND. I have been worried about the proposed welfare department, for the reason that the bill as it is now before us includes education. I have always been very unwilling to have the Federal Government take over any rigid control of education. If there is one thing the States have done well, it is in the matter of education. If we were to be required to adapt our educational systems at home to the overlordship of the Federal Government, we do not know what might be the end. There is the possibility of indoctrination with all sorts of ideas which are foreign to our original educational views in this country.

The Senator recalls the University of Michigan, where so much has been made of the early teachings of Thomas Jefferson, as well as his later teachings. So I am glad the Senator has mentioned the department of welfare, because, as the bill is now written, it includes the transfer to that department of all the functions of the Government related to education.

Mr. KING. Mr. President, I am glad to have the view of the Senator from New York upon this matter. I am opposed to the creation of this new department. It will increase the expenses of the Government many millions of dollars annually.

Obviously it will materially add to the expenses of the Government and furnish jobs for a large number of deserving or undeserving Democrats. I make the prediction that within 5 years, if this bill becomes a law, this department will have more than 5,000 employees. I am opposed to the creation of this new department. It will grow and expand until it will occupy a high place in the Federal organization. May I say in passing, one effect will be that the people will more and more look to the Federal Government for every form of relief. The States will assume, be led to assume, that relief in its various forms is a duty or task or burden resting upon the Federal Government, or that it is assumed by the Federal Government. More and more the feeling will be developed that the Federal Government exclusively is to deal with every form of relief, including public health and every form of human infirmity. In other words, when the Federal Government creates a public welfare department, State agencies and organizations and charitable institutions will limit their activities and rely upon the Federal Government to enter and, indeed, exclusively control the broad fields in which they have operated with important and beneficent results to their respective States and communities.

It is natural that when the Federal Government enters a field which under our theory of government belongs to the States and in which the States have effectively operated, local activities will be more and more restricted and the Federal Government, with its propensity to expand its power and authority, particularly under the pressure of its employees, will soon assume complete control over such fields, and the local agencies will be destroyed or absorbed. By way of analogy, permit me to call attention to the question of prohibition.

Before the eighteenth amendment was adopted many of the States had prohibition laws, which they enforced, but when the Federal Government under the Volstead Act took over the control of intoxicating liquors many of the States withdrew from the field of law enforcement and devolved the responsibility upon the Federal Government. There are other examples which demonstrate that when the Federal Government undertakes the control of matters which are rightfully within State cognizance the States and local communities relax their efforts and encourage further Federal interposition, until finally the National Government exercises practically absolute control over the same.

The contention is made that the States are limited in their resources, whereas the Federal Government is powerful and is in a position to make larger expenditures, and therefore, as indicated, examples are not infrequent of the States completely surrendering their jurisdiction over essentially domestic concerns.

I repeat that the assumption by the Federal Government of control of domestic affairs leads to the atrophy of the States

and to the development of a philosophy dangerous to our form of government, viz, that all governmental authority is found in the National Government, and that to Washington all may look for gifts and bounties and subsidies and grants and finally protection and control over individual, local, and State activities.

The provision to which the Senator from New York [Mr. COPELAND] referred, I fear, if this bill becomes a law, will ultimately lead to the control of our public-school system by the Federal Government. We all know that our public-school system is the product of democracy and must be maintained if democratic institutions are to survive.

Thomas Jefferson laid the foundations of our public school system, and he was unwilling to surrender to the central government the control of public schools. We are told that one of the effective means of promoting absolutism is the control of the schools. It is said that Bismarck strengthened the power of the Kaiser by subsidizing the public schools in the various states of Germany. The promise of contributions from the central treasury influenced teachers and they more and more became amenable to the suggestions and desires of the central government. And the German states, being partially relieved of the cost of maintaining educational institutions, looked with more favor upon the government in Berlin, and were less concerned with its encroachments upon their authority and of the gradual absorption and molding of the German states into a powerful German Empire.

Many liberty-loving Germans, among them Carl Schurz, and others, viewed with deep concern the expanding power of the Kaiser and the central government and they departed from their home lands. Those who come to the United States made important contributions to the economic and political development of our country.

We recall that when the World War broke upon the world the effects of controlled education by the Empire were seen in the complete unanimity of the professors, teachers, and students in the support of the imperialistic policies of the Empire.

Mr. President, we must preserve the integrity of our public school system; we must defend it against Federal encroachment or usurpation. Measures are being framed, as I am advised, to bring the public school system of the States within the periphery of Federal influence and control. The dogma of uniformity and standardization in thought and in public education is being asserted. The view of some persons is that the public school system should be standardized, so that the children in every part of the Union would think alike and grow up under one system of philosophy. Standards are one thing, but standardization in too often a curb upon progress and leads to mental stagnation and intellectual and moral impotency.

The Senator from New York interrupted me as I was reading one of the sections of the bill, and I had reached the provision for a national resources planning board of five members, the members to receive \$50 a day, up to \$9,000 per year, plus transportation fees.

A director is also to be appointed, six assistants to the President at \$10,000 annually each, and under section 501 authority is given to hire any number of experts and consultants in this work, and to pay them any salary desired. It would appear that a reorganization bill such as this, which creates new departments, bureaus, and offices, gives little promise of simplification, but gives assurance of increased expenditures.

I now invite attention to the provisions of Senate bill 2700 in regard to title 1. The bill contains many of the provisions recommended by the members of the President's committee; that is to say, the first bill introduced by Senator Robinson, the chairman of the committee at that time, embodied practically all of the recommendations of the President's committee.

First, it specified no time limit within which the President could perform the duties delegated to him in the bill.

Second, it provided that an Executive order should be submitted to the Congress for 60 days before it would become

effective. That provision does away with the principle of the rule of a majority in Congress. In order to override the action of the President in any transfer or consolidation, a two-thirds vote of both Houses of Congress would be required in order to overcome a Presidential veto of legislation passed with a view to defeating any Executive order. It should be noted that this provision is present in the bill we are considering.

I regret that the Senate refused to support the amendment offered by the Senator from Montana [Mr. WHEELER].

I am amazed that the Senate should be so willing to abdicate its functions, amazed first that it would give the authority, and secondly, that it was unwilling to reclaim it or to reserve to itself the right to reclaim it and to assert its legislative authority in respect of a matter which the Constitution confers exclusively upon the Congress of the United States. In my opinion, there have been very few instances in the history of this country when there has been such complete abdication of legislative power by the Congress. I wonder if it is symptomatic of an organic change taking place in our Government.

Recently there was an effort, as many believe, to limit judicial power. It is obvious that the Federal Government, which has but limited authority and power, is exercising authority over matters which are not, under the Constitution, within its jurisdiction. We forget historic examples of the trend of governmental and political thought in many parts of the world. Congress, in my opinion, fails in its duty when it yields to the executive branch of the Government power which belongs to it exclusively.

Mr. President, the bill presented by Senator Robinson, which embodied the recommendations of the President's committee, embraced the recommendations in regard to the independent regulatory commissions, giving the President power in section 2, subdivision (c), to transfer the administrative and executive functions of the commissions to any executive department.

Senate bill 9969 contained a provision which is in the latest print of the pending bill, namely, that the Executive order shall also make provision for the transfer or other disposition of the records, property, personnel, and unexpended balances of appropriations of any agency or function that is transferred, giving unlimited authority to make any transfer of property and other things, together with functions.

This does not require the President to transfer the personnel with the work. He may transfer the function of an agency, but make other disposition of the personnel, such disposition as he sees fit. It seems only just that those who have been doing certain work, insofar as the performance of the work must continue in the future, should be transferred to whatever agency is to perform the work so transferred. Yet the bill does not guarantee this. On the contrary, the President can make other disposition of the personnel, transfer it as he sees fit, transfer the employees to activities with which they are not familiar.

Although under Senate bill 2700 the President could not abolish any independent establishment, he could so transfer all of its activities and functions to other agencies as to make it a mere shadow. However, S. 3331 provides that none of the functions of any independent establishment shall be transferred to any other agency.

That is a proper concession. Such independent establishments are: Legislative courts, Board of Tax Appeals, Federal Communications, Power, and Trade Commissions, Interstate Commerce Commission, National Bituminous Coal Commission, National Labor Relations Board, Securities and Exchange Commission, and United States Maritime Commission.

Sixth. The President is given power by S. 2700 to abolish any functions of government authorized by Congress, and to transfer activities of Departments so that merely a vestige or shell of such Departments will remain. He may transfer 80 percent, or 90 percent, or 99 percent of the functions and activities and personnel of a Department, and leave but 1

percent or one-half of 1 percent under the agency in the Department. That may be done under the provisions of the bill now under consideration.

Mr. President, Senate bill 3331 is one of the progeny of the original bill and one of the chickens hatched under the President's commission. The bill imposes no limit on the number of changes that can be made as affecting any agency. Nor do any of the subsequent bills impose such a limitation.

#### PROVISIONS OF S. 3331, TITLE I

The provisions of title I were changed slightly in each of the succeeding bills until they have reached their present status in S. 3331, as reported with amendments. The material provisions of S. 3331 are as follows:

#### SECTION 1. DECLARATION OF STANDARD

There are 133 departments and agencies in the executive branch of the Federal Government, and under the bill the President is authorized "to investigate the organization of the various agencies of the Government, and shall determine what changes therein are necessary to accomplish various purposes."

He may group, coordinate, consolidate, reorganize, and segregate agencies and functions, or any part thereof. He may reduce the number of agencies by regrouping, consolidating, and abolishing such agencies or functions, or any part thereof, as may be necessary for efficiency, and to eliminate overlapping and duplication of effort.

The President, after investigation, to accomplish any of the declared purposes, may by Executive order, until July 1, 1940:

First. Transfer, retransfer, regroup, coordinate, consolidate, reorganize, segregate, or abolish the whole or any part of any agency or functions thereof.

Second. Prescribe the name and functions of any agencies affected by such Executive order, and the title, powers, and duties of its executive head.

This is a vast grant of power to the President. He is given almost unlimited powers over Government agencies, with but a few exceptions to be noted later. He can constantly arrange or rearrange all agencies until July 1, 1940, inasmuch as the word "retransfer" indicates that a continuing process is contemplated, the President having power to shuffle and reshuffle the various agencies and personnel of the Government. Thus, he is empowered to conduct experiments with the personnel of the Government, shifting them back and forth from one department to another; he can transfer and retransfer functions from and to various agencies, reducing some to mere shells of organizations, and making others gigantic and unwieldy.

The President is given this power, without restraint. His discretion is absolute. He need only find that his orders will increase efficiency; and he is made the sole judge of what increased efficiency means. The indefiniteness of such a standard to guide Presidential action, in a field which will so closely affect the lives and happiness of the hundreds of thousands of Government personnel, is demonstrated by the controversies which rage on all sides, even between experts on the subject, as to what will tend to produce efficiency in governmental matters.

In the light of such a vague and debated standard, it is submitted that this vast power should not be delegated to the President in such an unlimited fashion. Such a course would deprive Congress of all practical power in such matters.

Further, although the President's power is to exist until July 1, 1940, there is nothing in the bill to prohibit him from providing that the transfers and retransfers shall take effect 5, 10, 15 years hence.

I hope I am wrong in my interpretation of this provision.

Nothing in subsection (a) of the section under consideration shall be construed to authorize the President to do certain things. This subsection contains limitations upon the power granted to the President, which may be summarized as follows:



First. To abolish an executive Department, although he may transfer some, but not all, of the functions of an executive Department to any other agencies.

Second. He cannot abolish nor transfer any of the functions of the following agencies: Any independent establishment (see sec. 5, par. 2, below), the municipal government of the District of Columbia, the Board of Governors of the Federal Reserve System, the General Accounting Office, the Bureau of the Budget, the Engineer Corps of the Army, or the Mississippi River Commission, relating to rivers and harbors and flood control.

Third. Nor can the President authorize the performance of any functions not expressly authorized by law at the date of the enactment of this law.

Fourth. He can internally reorganize all agencies except the Board of Governors of the Federal Reserve System, the General Accounting Office, and any independent establishment.

Thus, under these limitations, while the President may not abolish the District of Columbia municipal government, nor transfer any of its functions to another agency, still there is nothing to prohibit him from rearranging the entire operation of such municipal government. He could regroup, consolidate, and so forth, the internal functioning of the District government.

Also, under these limitations, although the President cannot abolish any one of the 10 major executive departments, there is nothing to prohibit him from transferring nine-tenths of the functions of any Department to any other, thereby leaving the former a mere shadow as a Department and powerless.

The bill provides in subsection (c) any Executive order shall make provision for the transfer or other disposition of the records, property, including office equipment, personnel, and unexpended balances of appropriations of the agency or agencies affected by the order.

Under this provision any agency may be built up to gigantic proportions and others left mere shells of their former selves. Also, when a function is transferred, it is not necessary under the bill that the personnel, which has been performing the function, must be transferred with the function and continue to perform the function, due to the power given to the President "to make other disposition of such records, property, and personnel." The bill should, in all justice, provide that the personnel which has been performing certain duties shall be transferred with the duties, so far as such personnel is required.

Section 4 provides in subsection (a) that an order shall become effective upon the expiration of 60 calendar days after it shall have been transmitted to Congress by the President, and, in case of adjournment, 60 days after the opening of the next regular or special session.

This provision is severely criticized in the minority report in that it would destroy the "rule by majority" so far as an order is concerned. When an order is submitted to Congress, it can be altered or changed only by congressional action, and if such action were vetoed by the President it would require a two-thirds vote of each House in order to alter any provision of any Executive order submitted. Since we may presume that the President would veto any legislation altering his own Executive order, the two-thirds vote would be required, and, therefore, the "rule by majority" disappears. The Congress in reality would be surrendering its control in this matter to the President until July 1, 1940; and inasmuch as the Congress has created and specified the tenure of most of the agencies which would be affected by the action of the President, it seems to me it is improper for the Congress to part with this power in such a sweeping manner.

Subsection (b) provides that no Executive order shall become effective unless transmitted to Congress prior to July 1, 1940.

The junior Senator from Virginia [Mr. BYRD] in the minority report expresses the view that the vast powers dele-

gated to the President by this bill should not continue in effect for such a long period. He states:

It is my belief that reorganization should be expedited and that the duration of this power should be curtailed.

Also, as has been shown, this provision does not prohibit the submission of an order to become effective 5 or 10 years hence so long as it is submitted within the allowed period.

First, the term "agency" means any executive department, independent establishment, independent agency, commission, board, bureau, service, office, administration, authority, division, or activity in the executive branch of the Government, and any corporation the majority of the stock of which is owned by the United States.

Second, the term "independent establishment" means the legislative courts, the Board of Tax Appeals, the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, the National Labor Relations Board, the Securities and Exchange Commission, and the United States Maritime Commission.

The definition of the term "agency" gives an indication of the wide powers granted to the President by this bill. It would seem to include every organization carrying on functions of government other than Congress itself and the constitutional courts.

The term "independent establishment" furnishes the list of bodies which, under section 2, subsection (b), cannot be abolished or their functions transferred by Executive order. These independent establishments are the quasi judicial, quasi-legislative bodies which have been created with an intent to make them somewhat independent of the executive branch of Government. However, it should be remembered that even though the President cannot abolish such offices or transfer their functions to other agencies, a later provision—section 205—authorizes the President to remove any employee in such independent establishments from the civil-service registers on the ground that such employee occupies a "policy determining" position.

I submit that the chief objections to title 1 in its present form are that the bill will not effect reforms or reduce expenses, but, on the contrary, it will increase the number of departments and increase the expenses of the Government. Moreover, the Congress will lose control over the functioning of such agencies and organizations as fall within the reorganization system until July 1, 1940, and the power which it surrenders will be lodged in the President, who will have the official and political welfare of more than 800,000 persons entrusted to such civil-service agency as he may provide. It seems that the rule by the majority in Congress with respect to this measure is to be supplanted by the rule of two-thirds.

I submit, Mr. President, by way of summary of what I have stated, that this bill is intended to increase the power of the executive department, to add another department within which will be bureaus and agencies and organizations calling for thousands of additional employees. It will result in the creation of many additional agencies and add many thousands of names to the Federal pay roll; it will not result in economies or in a decrease in the enormous demands for appropriations to meet Federal expenses. There is no evidence that in the executive department economies are to be introduced, or the costs of departments diminished. I submit that under this bill we must reconcile ourselves to the thought that bureaucratic government is to become more pervasive, and that any expectation of balancing the Budget or of lifting the heavy burden of taxes from the people must be abandoned. The bill might properly be labeled, "A measure to weaken the power of the legislative branch of the Government and to increase the authority of the executive branch of the Government, and to increase the costs of the Federal Government." I respectfully submit that the report of the President's committee, together with the hearings which preceded this bill, are confirmatory of the views just expressed.

I think we would be dealing more frankly with the people if we were to state just what the effects of this bill will be and just what is implied in its provisions. This bill is receiving some support under the belief and under the theory that it will limit the authority of the executive department, reduce the number of Federal agencies and Federal employees, and reduce the burdens of taxation from which the people now suffer.

As I have indicated in my remarks, the obligation rests upon the Congress to reorganize the Federal agencies, departments, and bureaus, to consolidate and abolish scores of Federal agencies, many of which are unnecessary, which now find a place in our governmental organization.

It is the legislative department of the Government that is charged with the duty of providing the necessary machinery to carry out the functions of the Federal Government. It may not delegate this authority to the executive department.

It seems to me that Congress is derelict in its duty when it fails to create the necessary machinery to provide by legislation the needed agencies to perform Government functions. Is Congress so timid that it is afraid to abolish Federal departments, bureaus, and organizations which have grown so numerous and so powerful? Are they beyond the reach of Congress? Congress could well afford to address itself earnestly and seriously to overhauling the Federal machinery, and it is not performing that duty by delegating the authority to another branch of the Government.

Mr. President, I shall now consider the recommendations of the President's committee with respect to civil service and the provisions of the bill now under consideration dealing with this subject.

Title II deals with civil service and classification, and is an important provision in the bill. I was amazed when I read the recommendations of the President's committee with respect to civil service. The report of the committee, and the various bills, which I have stated are its progeny, are attacks upon a sound and effective civil-service system. If the philosophy of civil service is to prevail it must rest upon sound and honest foundations. It must be free from the taint of partisanship or bureaucracy. An honest civil-service system has received the support of sincere students of governmental organizations and governmental activities.

The spoils system, so-called, has been condemned by students of government and by those who have sought to eliminate errors and mistakes in government organizations. Great Britain has been pointed to as an example of an effective and honest civil-service system. There are other countries, as I am advised, which have set up and maintained reasonably efficient and honest civil-service policies. The so-called spoils system prevailed for many years in our Government and exists in many countries today. Governments in which there are frequent changes, some of which are brought about by revolutionary movements, regard with but slight interest, and indeed too often with contempt, any reasonable system of civil service. The government which comes to power by revolution or by some extraordinary development seeks to reward those who have contributed to its success by giving to them important positions with large emoluments. Indeed it has been said that revolutions oftentimes are precipitated by malcontents who do not have office and who covet positions which call for large rewards taken from the treasuries of the governments. That an honest, fearless, and independent civil-service system contributes to improved governmental administration, I think, will be conceded by students of government. A civil-service system which is a mere screen behind which illicit and illegal proceedings are carried on is an evil which ought to be excised from all honest administrations. Upon a number of occasions I have stated that a dishonest or inefficient civil service was perhaps not to be preferred over the so-called spoils system. If, where a civil-service system prevails, it is used as a cover to protect the inefficient or perpetuate in office politicians, instead of honest public servants—if, in other

words, it is a screen to aid favorites of political parties, then it develops sinister factors and conditions.

If a civil-service system is under the control of politicians or political favorites or is amenable to party demands and party policies then it should be abolished. A civil service which is controlled by inefficient individuals, by political parasites who seek to perpetuate themselves in office and to maintain in office persons who are incompetent or who if competent are slackers in their work is bound to bring the civil service into disrepute and to lead to demands for its abolition. Some criticisms have been leveled against the system as it is in operation not only in the Federal Government but in departments in State governments. It has been stated not infrequently that some persons who have a civil-service status regard themselves as enjoying a life tenure of office and are therefore not required to zealously, earnestly, and effectively work in the various positions which they occupy. In other words the claim is made by some that the system makes for automaton rather than dynamic, active, and aggressive Government employees.

Be that as it may, a genuine and honest civil-service system, which affords opportunities for promotion and advancement and encourages intellectual development, and which makes for loyalty and devotion upon the part of employees, is an important contribution to effective, economical and good government. Instead of destroying the civil-service system, or impairing its usefulness, it should be strengthened, and more efficient tests should be applied and persons of outstanding ability placed in positions where the system might be strengthened and improved.

We are asked to abolish the Civil Service Commission and to confer upon one individual, to be known as administrator, almost unlimited authority. He is to be appointed by the President and removable by the Executive. The President's committee recommended that the merit system should be extended "upward, outward, and downward" to include all Government positions, except a very small number of high executive and policy-forming positions. Their conception of "upward, outward, and downward" apparently is to abolish the Civil Service Commission, root and branch, and, as I have stated, to confer almost unlimited authority upon one person, under the President, who will control the organization and determine its activities.

The President's committee further state there are some 40,000 positions in the executive branch subject to direct appointment by the President, and this large number of appointments which the President must make interfere somewhat with important Presidential duties. Many of these should be placed under the merit system. It must be noted, however, that the present form of the bill does not accomplish this result but, on the other hand, gives the President power to place even more positions under his direct appointing power.

The recommendation of the President's committee, as stated, is to the effect that—

The Civil Service Commission should be abolished and be replaced by a one-man civil-service administrator, who will be appointed by the President and subject to removal at the pleasure of the President.

Substantially the same provision is found in the bill under consideration.

I wonder what will be the view of many of the brilliant and efficient women of the United States with respect to this recommendation. As is known, under the bipartisan civil-service system now existing, one of its members is a woman. With the abolition of the bipartisan Commission, I think we may assume that the administrator named will be a man.

I submit that the plan proposed is objectionable. It replaces the present bipartisan Commission with a one-man administrator subject to the head of a political party and who will hold his position during the pleasure of the Chief Executive. I am making no criticism of any administration but am directing my remarks to the principle—to what I



perceive to be the unwisdom of abolishing a bipartisan Commission and setting up a one-man system. In the merit system of government politics should not enter. With the destruction of the bipartisan system and the conferring of all the authority upon one man, appointed by the Chief Executive and responsible in part to him, will there not be greater opportunity for political influence and control?

A few days ago during a discussion respecting the civil service the Senator from Nebraska [Mr. NORRIS] earnestly and forcefully declared for an independent and honest civil-service system. His views met with general approval. There was a demand for honest civil service and for the extension of it to all branches of the Government. I wonder if those Senators who spoke so eloquently in behalf of civil service will find any comfort in the plan before us to abolish the bipartisan Civil Service Commission. If the head of the civil service is the subject of political bias and pressure, politics will inevitably manifest themselves in the administration of the system. Perhaps that will lead to a spoils system more pervasive than many contemplate.

Another objectionable feature of the provision is that it is humanly impossible for one man to perform the tasks which under the present procedure three men have a difficult time in performing. Charges of bias would inevitably be made, whereas they are not so potent when leveled against a bipartisan commission of three persons. That seems so obvious that no argument is needed in support of the thesis.

The President's committee recommends:

A civil-service advisory board should be created composed of seven nonsalaried members, with staggered terms, who will meet four times a year, to assist and advise the administrator, being reimbursed for the actual cost of their services. This board is to be purely advisory, with no power or authority, and will not diminish the burdens placed upon the administrator.

Rather, in my opinion, they will augment, and their activities will result in bickerings and strife and confusion and in interference with perhaps legitimate and proper policies and regulation formulated and being carried into effect by the administrator himself.

Mr. President, in view of the gestures toward economy, I call attention to the fact that the President's committee further recommends that—

The salaries in the Government should be raised in order to induce more capable men to serve in the Government.

Is it assumed that the present Secretaries, heads of Departments, and the numerous officials, lawyers, and others are incompetent? Do they want to get rid of heads of Departments and their assistants and solicitors, hoping or expecting to have more competent men? Is it their view that larger salaries will give the President more competent assistants? Lawyers remember that a number of years ago Federal judges received but \$5,000 a year. Without indulging in any invidious comparisons, I think I may say that the judges 25, 30, 40, and 50 years ago measured up to the standard set by judges of the present. In my humble opinion, the increase in salaries has not resulted in an increase in efficiency or ability or knowledge of the law in the judicial branch of the Federal Government.

The President's committee recommends that Secretaries should receive \$20,000 a year; Under Secretaries of the executive departments should receive \$15,000; Assistant Secretaries should receive \$12,000; salaries of heads of the various other agencies should be raised from \$12,000 to \$15,000; and career officials in the next lower grade should receive annual salaries ranging from \$8,000 to \$10,000.

The foregoing statements concerning civil service are the main recommendations of the President's committee upon that subject. They are the suggestions essential to have the merit system expanded "upward to include all permanent positions in the Government service except a very small number of high executive and policy-forming positions; outward, to include permanent or continuing positions not now under civil service, whether located in new or emergency agencies or in the older Departments of the Government; and down-

ward"—and I am using the words of the committee—"to include skilled workmen and laborers in the regular Government service."

It will be seen, therefore, that the recommendations of the President's committee "upward, outward, and downward," mean increasing the number of employees, increasing the salaries, and multiplying the burdens which rest upon the American people.

The President's committee recommends that all civilian positions in regular Departments and establishments now filled by Presidential appointment should be filled by the heads of such Departments or establishments, without fixed terms, except as to Under Secretaries and officers who report directly to the President, or whose appointment by the President is required by the Constitution.

I cannot believe that all Senators are familiar with these extraordinary recommendations contained in the report of the President's committee, and appearing in the bill now under consideration. Under these recommendations, and under the bill before us, the President could exclude from the civil service any position which he deemed to be policy determining. It should be noted that this provision has been in all the drafts of the bill, and is present in Senate bill 3331. It is one of the most objectionable features of the title under consideration, in that there are over 800,000 employees under the civil service at the present time, and I am told that the number exceeds 900,000, and it is impossible to estimate the large number of that group who hold what might be termed "policy-determining" positions. The term "policy determining" has never been defined in any of the bills, and the fact that the President's decision that a certain office is policy determining is conclusive, indicates the extraordinary nature of this recommendation.

This section is highly inconsistent with a strictly independent merit system. It would substitute for the present bipartisan Commission, with its mandatory minority representation, a one-man administrator, appointed and removed by the President. This would introduce a political element at the head of a commission which is supposed to be entirely nonpolitical and based upon merit alone.

The bill provides that "political affiliations" shall not enter into consideration in appointing the administrator; but that provision is no guaranty against such a happening. Indeed, it is difficult to see how political affiliations could fail to enter into the choice in some aspect or other.

It is hardly likely that under any system set up in our political life in America the party in power would permit some person selected by the opposition to control the personnel matters of the Government. That would be the case under this bill. Politics would inevitably creep into the administration of the merit system of the Government. That, Mr. President, is one of the evils which it is alleged prompted, in part at least, the policy suggested in the recommendation of the President's committee.

The principle of bipartisan personnel administration has been well received by the public. To change to a one-man administrator appointed by the head of a political party would be to change the spirit of the civil-service purposes.

The administrator would of necessity be of one sex. The other sex would not be represented; and criticism, if not antagonism, would inevitably result. Charges of partiality would be made against one man, regardless of the course he chose to pursue. Citizens naturally have more confidence, I believe, in a bipartisan board of three than in a one-man set-up. Nor could one man perform all the duties efficiently.

Section 202 of the bill before us provides that in addition to the functions vested in the administrator by section 201, the administrator shall prepare and recommend to the President plans for the development and maintenance of a career service in the Federal Government. This section further illustrates the dependence of the head of the civil-service system upon the President. The administrator's plans for a career service shall be merely a recommendation to the President. The bill vests the power in the President

to reform the entire merit system, and makes the administrator a mere agent in his hands.

Those who support the bill so far as the civil-service aspect is concerned undertake to defend their course upon the ground that it extends the civil service outward, downward, and upward; but a study of the bill, as I have indicated, shows that there is no provision requiring such expansion. There is no assurance that such an object would be accomplished. Anything which could be done would be left entirely within the discretion of the President; and in a later section of the bill he is given power to decrease the civil-service system. The passage of the bill might just as easily result in the curtailment of the merit system in the Government as in its expansion. It seems that any bill the purpose of which is to expand and improve the civil service should contain provisions requiring such expansion, and in such definite terms as to indicate that the civil service would not be impaired or ultimately destroyed.

Under the provisions of the present bill an advisory board is established, composed of seven members appointed by the President, by and with the advice and consent of the Senate, no more than four members to be of the same political party. The bill provides that the members of the advisory board shall be appointed for terms of 7 years, with one term expiring each year. The bill also provides that the President shall annually designate one of the members to be chairman, and one to be vice chairman. The members of the board shall be paid \$50 each day for the time spent in attending and traveling to and from meetings, plus transportation costs. However, no member shall be entitled to receive more than \$1,500 per annum.

These provisions, Mr. President, make clear the fact that the present three-member Commission is sought to be replaced by a one-man administrator, inasmuch as the advisory board which is to assist him will be composed of men who cannot devote more than 30 days a year to the work of the administration, since they may not receive more than a given sum at the rate of \$50 per day. This means that the entire merit system of the Government will be placed in the hands of one man who owes his tenure of office to the President, who has the power to appoint him; and under the terms of the bill the President may remove the administrator at any time, inasmuch as the bill provides no conditions upon which such removal must be based. It has been held by the Supreme Court that any officer, regardless of how independent of the Executive he may be, may be removed by the President alone, unless Congress specifies the condition upon which such removal shall be predicated. In other words, the head of the merit system of the Government, the one man who would be in control of the civil service of the country, could be removed by the President without cause. No one will contend that politics might not enter into such a situation. The advisory board will be of little practical use, and will have no authority in the operation of the administration, as will be shown in the succeeding sections specifying the duties to be performed by the board.

Under the provisions of the bill the administrator will be in complete charge of the operations of the administration. The board will be merely an investigating and consulting body. The important duties of the actual administration of the civil service, which at present constitute a heavy load even for a commission of three men, will, as I have before stated, fall upon the shoulders of one man. It is impossible that the functions will be carried on efficiently.

Section 205 of the bill before us provides that until June 30, 1940, the President is given power, by and with the advice and consent of the Senate, to fill any vacancy in any office or position in any agency whatever, if the President finds that such office or position is policy determining in character, and the President's finding shall be final. Criticism has been directed to this section. The President is given absolute power to determine which office and positions shall be construed as policy determining. The bill fails to define "policy determining." It is possible that the same

definition might never be used with respect to any two agencies or positions. The effect of this section would be to make political footballs of those offices and positions in the Government which are vital to fair, impartial, and efficient administration, and thus tend to increase the spoils system. The President could find that almost any position in the Government wherein even the slightest degree of judgment is exercised is a policy-determining position; and upon such finding, which would be conclusive, the President could take such position out of the classified civil-service system.

To take actual figures, in December 1937 there were 889,550 employees under the civil service, or nearly 1,000,000 persons whose positions are protected against changes in the political life of the country, and whose continued employment and promotion depend upon merit alone. It is impossible to estimate the thousands of such positions which could, and possibly might, be found to be policy-determining. It is submitted that out of nearly 1,000,000 offices and positions, thousands and, indeed, hundreds of thousands of them, call for the exercise of judgment and discretion to such an extent that any President, if he so chose, could declare them to be policy determining, thereby rendering them the subject of political policies. Hence, whenever any vacancy occurs in the executive branch of the Government, the President could, under this section, issue an order, stating that such position is policy determining, and thereby exclude that office from the merit system and render it subject to political appointment.

Thus, a bill, the avowed purpose of which is to expand the merit system in our Government, contains provisions which, not only do not guarantee the desired results but definitely provide a procedure by which that system may be impaired and undermined.

The bills following the recommendations of the President's committee in regard to civil-service reorganization have varied in details, but the main objections to those recommendations are still present in Senate bill 3331. I shall now set forth the varying provisions of each bill.

It is worthy of note that the bill before us, while it places the appointing power of the administrator with the President, it is silent on the question of removal, which, under Supreme Court decisions, would render the civil-service administrator subject to removal by the President without any conditions or restrictions. It is contended, I assume, that the position taken by the Supreme Court in the Myers case would control if the question of the removal of the administrator was involved.

The bill before us contains a most objectionable feature as applicable to all employees as I interpret it, namely, that the President may fill any vacancy in any office or position which the President finds is policy determining in character. If I correctly interpret this provision, it would be applicable to independent commissions as well as other executive agencies. Thus any President might bring any independent establishment under his will through his authority, to find and declare, without any question, that its officers and employees are policy determining.

It is to be noted that the President is to be the sole judge as to what position is policy determining. He could declare the position of file clerk to be policy determining and such declaration would be invulnerable to any attack.

As I understand the bill any position which the President is authorized to fill may be filled by appointments without term by the head of the executive department, independent establishment, or independent agency in or under the jurisdiction of which such office or position is located.

In the various bills, including the present bill, as I understand the measure, the President may cover into the classified civil service any office or position, with a limited number of exceptions, among them being emergency agencies, temporary in character; policy-determining positions; appointments where confirmation of the Senate is required. However, the incumbent of such positions so covered into the classified civil service shall not receive a civil-service



status until after 6 months' meritorious service and upon passing a noncompetitive examination. The President is also authorized to except from the classified civil service all positions which he deems to be policy making or where a confidential relationship exists between the head of any agency and any person holding any position under the immediate supervision of such head. However, the provision relating to confidential relations is omitted from the bill we are considering. Under the bill before us the President may, after classification, extend the provisions of the Classification Act of 1923, as amended, to any office or position upon the finding that such extension will promote the efficient operation of the Government.

I should add that the President is given the power to adjust the compensation after transfers to compare more favorably with the compensation paid for similar services under the civil-service system of the Classification Act of 1923, as amended. The power granted the President does not apply to a number of offices created by various acts of Congress. Among them are positions in the Postal Service, officers and enlisted men in the Army and Navy and Coast Guard, positions in the Government Printing Office, the work of unskilled and semiskilled and skilled laborers and apprentices where such work involves work in the maintenance of Government buildings, and so forth. The President may exclude from the civil-service classification, if he finds that in so doing Government efficiency will be promoted. Among the groups falling within this classification are offices which require only part-time work or offices filled outside of the limits of continental United States by native territorials or foreign nationals.

Generally speaking, the provisions dealing with civil service are found in the draft of the President's committee and have been carried forward through the various bills until they find a resting place in the bill which we are now considering.

I should add that under the present bill it is provided that the President, with the confirmation of the Senate, may make appointments to fill any vacancy in any office or field the head of which is under the jurisdiction or control of and is directly responsible to the head of an executive department or agency, but only if the President finds that such office is policy determining in character. Also in the bill before us there are provisions that any determination by the President that any such office or position is policy determining in character shall be final, and the policy of the President to make such determination is limited to June 30, 1940.

Section 201 of the bill under consideration provides that the civil-service administration shall be headed by an administrator appointed by the President for 15 years by and with the consent of the Senate. His salary is fixed at \$10,000 per annum.

As I interpret the bill the officials of the independent agencies fall within the provisions of section 201 (a) of the bill before us. Among such agencies are the Federal Trade Commission, the Interstate Commerce Commission, and the Federal Power Commission, which commissions have been created by Congress specifically for the purpose of being independent from Executive removal inasmuch as they perform quasi-judicial and quasi-legislative functions. That view is clearly expressed in the Humphreys case to which I have referred. This section of the bill would render important offices purely political and the effect of this section would seem to be to narrow the work and field of the merit system instead of expanding it, as is alleged is one of the purposes of this measure.

Section 206 of the pending bill authorizes the President to cover into the classified civil service any offices or positions in any agency of the Government.

As I understand the proponents of this bill, this section provides for the expansion of the merit system. It would seem, however, that there is no guaranty of its expansion. The matter is left to the absolute discretion of each succeeding President depending upon his finding that such expan-

sion in any particular agency would promote efficiency in the operation of the Government. I submit that the test as to whether a certain course will result in increased efficiency is no adequate standard to guide the discretion of the President. It would seem that a measure the purpose of which is to expand the merit system would provide with more certainty for the attainment of the avowed object.

I should mention that in section 208 it is provided that whenever the President, after classification and compensation surveys or investigations as he may direct the administrator to undertake, shall find that an extension of the provisions of the Classification Act of 1923, as amended, to any office or position is necessary to the more efficient operation of the Government, he may by Executive order extend the provisions of such act to such office or position. Here again it would seem the Congress is abdicating its power over the fixing of compensation for specific offices, because the President is given absolute authority under this section to influence any position covered into the classified civil service.

Section 210 of the bill provides that whenever an extension of the Classified Act becomes effective, positions shall be allocated to the appropriate grade and class for compensation fixed according to the Classification Act schedules. However, if the incumbent should take a reduction in compensation under the classified schedule, such reduction shall not be made until the office is vacant and a new person is appointed thereto.

It would seem from an examination of the bill with its rather obscure provisions that great confusion will attend the readjustment which will take place in the civil-service organization; there will be changes—demotions, promotions, abolitions of functions—and the result will be a general dissatisfaction upon the part of thousands of Federal employees. Undoubtedly many will feel aggrieved in what they conceive to be a change in their status, and which they will claim is to their disadvantage.

Mr. President, I regret that the provisions of the bill dealing with civil service are not more satisfactory. I fear that the civil-service provisions will be regarded as steps backward, rather than forward. Already many civil-service employees of character and ability are expressing disapproval of the provisions of this bill, dealing with civil service. They and many citizens will regard the measure as an attack upon a genuine, honest civil service.

In my opinion this bill is no guaranty of the expansion and improvement of the merit system, but upon the contrary, it weakens and impairs the present civil-service system. It places too much responsibility and too many duties upon one man—duties which are so heavy that at present three persons have difficulty in properly meeting their responsibilities. I fear that if the bill is enacted into law, it will inspire charges of partiality and that politics will creep into the administration of the so-called merit system, in part due to the fact that the administrator is subject to the will of the President, to whom he owes the tenure of his office.

There are other provisions of the bill which I shall discuss later.

Mr. LODGE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Byrd	Gillette	Lee
Andrews	Byrnes	Glass	Lodge
Ashurst	Capper	Green	Logan
Austin	Caraway	Guffey	Lonergan
Bailey	Chavez	Hale	Lundeen
Bankhead	Clark	Harrison	McAdoo
Barkley	Connally	Hatch	McCarran
Berry	Copeland	Hayden	McGill
Bilbo	Davis	Herring	McKellar
Bone	Dieterich	Hill	McNary
Borah	Donahay	Hitchcock	Maloney
Bridges	Duffy	Holt	Miller
Brown, Mich.	Ellender	Hughes	Milton
Brown, N. H.	Frazier	Johnson, Calif.	Minton
Bulkeley	George	Johnson, Colo.	Murray
Bulow	Gerry	King	Neely
Burke	Gibson	La Follette	Norris

Nye  
O'Mahoney  
Overton  
Pittman  
Pope  
Radcliffe

Reames  
Reynolds  
Russell  
Schwartz  
Schwellenbach  
Sheppard

Smathers  
Smith  
Thomas, Okla.  
Thomas, Utah  
Townsend  
Tydings

Vandenberg  
Wagner  
Walsh  
Wheeler

The PRESIDENT pro tempore. Ninety Senators have answered to their names. A quorum is present.

The unanimous-consent agreement now goes into effect. The Chair will direct the clerk to read the unanimous-consent agreement for the information of the Senate.

The Chief Clerk read as follows:

*Ordered, by unanimous consent, That after the conclusion of the address of the Senator from Utah [Mr. KING], no Senator shall speak more than once nor longer than 30 minutes on the bill S. 3331, the Reorganization Act of 1938, nor more than 15 minutes in the aggregate on any amendment proposed thereto: Provided, That this agreement shall not apply to a motion to recommit the bill.*

The PRESIDENT pro tempore. The clerk will keep the time of each Senator, and when he has spoken in the aggregate 15 minutes on the pending amendment, the clerk will notify the Chair, who will then enforce the agreement.

Mr. COPELAND. Mr. President, I understand that under the unanimous-consent agreement I may speak on the pending amendment for 15 minutes?

The PRESIDENT pro tempore. That is the agreement.

Mr. COPELAND. Mr. President, it so happens that I was away from the Senate a couple of days last week. I should like to ask the Senator from South Carolina if during that time or during the debate there have been many amendments made by action of the Senate to the bill as printed?

Mr. BYRNES. Mr. President, I did not quite catch the question.

Mr. COPELAND. I repeat the question. I am anxious to know what amendments have already been accepted by the Senate. Are there a number of them?

Mr. BYRNES. Mr. President, there are a number of them. I know that the clerk has a list of them and can give them to the Senator. There are, I should say, about six or seven.

Mr. COPELAND. Has the Senator a record of them?

Mr. BYRNES. Yes; I have.

Mr. COPELAND. Will the Senator be good enough to point out where these amendments are made in the bill? My purpose in asking these questions, I will say—

Mr. BYRNES. I should be glad to hand the Senator a copy of my bill, which contains the amendments. It would take up his 15 minutes if I should attempt to point them out.

Mr. COPELAND. Of course there is a little more to the matter than the inference to be gained from the Senator's remarks. I am not so eager to take up 15 minutes as I am to know what I am going to vote on pretty soon.

Mr. BYRNES. Mr. President, I had no intention of inferring that the Senator desired to take up 15 minutes, but that he himself could locate the amendments from the copy of the bill which I have.

Mr. COPELAND. Very well; I shall find the amendments myself.

Mr. BYRNES. If the Senator had in mind any specific amendment I could answer with respect to that.

Mr. COPELAND. I will state what I had in mind. It is not fair to those of us in the Senate who have been occupied in committees or elsewhere, and for one reason or another have not been on the floor of the Senate all the time, to attempt to give consideration to a bill which has been so modified that no one in the Senate except the Senator from South Carolina and the clerk can possibly know what has been done. It is my judgment that there should be a reprint of the bill to show to the Senators interested what the changes are. There seem to be some. Would it be in keeping with the desires of the Senator from South Carolina if I asked to have made a reprint of the bill showing the changes up to date?

Mr. BYRNES. Mr. President, it would be satisfactory to me.

Mr. COPELAND. I find that a number of changes have been made in the bill. I suppose these changes are made

largely to clarify the meaning of the language. I find on page 2, in line 12, that there have been stricken from the bill the words "by abolishing," and also at the end of that line and in the next line there have been stricken the words "or such functions, or any part thereof." Then there have been inserted after the word "and," in line 12, "for such purpose to abolish such agencies." So the provision now reads:

To reduce the number of such agencies by regrouping or consolidating those having similar functions under a single head, and for such purpose to abolish such agencies as may be necessary for the efficient conduct of the Government.

I suppose that means, Mr. President, there might be brought about a consolidation of the Food and Drug Administration in the Department of Agriculture with some other bureau; adding that function, perhaps, to the Public Health Service of the Department of the Treasury.

Or under other language of the preceding section—

To group, coordinate, consolidate, reorganize, and segregate agencies and functions of the Government, or any part thereof, as nearly as may be according to major purposes.

Instead of taking the Food and Drug Administration from the Department of Agriculture, there might actually be a grouping, consolidation, and so forth. That is to say the Public Health Service might be set up as a separate agency and all matters that have to do in any sense with health be turned over to it.

Senators will see how difficult that would be, because the Public Health Service has certain functions in connection with the examination of immigrants, and that function is so intimately associated with the work of the Department of Labor in connection with immigration that it would take many changes to effect the reorganization with regard to these matters that have to do with health.

The next change I find in the copy of the bill so kindly given me by the Senator from South Carolina appears on the same page. On page 2, line 20, the words "or abolition" are stricken out, and there are inserted in line 21, after the word "thereof", the words "or that the abolition of any agency." Thus the provision now reads:

Whenever the President, after investigation, shall find and declare that any transfer, retransfer, regrouping, coordination, consolidation, reorganization, or segregation of the whole or any part of any agency, or the functions thereof, or that the abolition of any agency is necessary to accomplish any of the purposes set forth in section 1 of this title, he may, by Executive order, subject to the limitations hereinafter provided—

Take action. I presume that was merely to clarify the language.

We come now to page 3, subsection 3, line 7. It originally read:

Abolish the whole or any part of any agency or the functions thereof.

It is now changed to read:

Abolish any agency whenever all of its functions are transferred to the jurisdiction and control of any other agency or agencies.

In connection with foods and drugs, if such power were given and used, that particular Bureau would be entirely abolished when its functions were transferred, for example, to the Public Health Service.

In subsection (b) of section 2 we find a very interesting provision. Subsection (b) embraces a number of prohibitions. It says:

(b) Nothing in subsection (a) shall be construed to authorize the President—

Coming to line 22—

(4) To regroup, coordinate, consolidate, reorganize, or segregate the whole or any part of the Board of Governors of the Federal Reserve System, the General Auditing Office, or any independent establishment, or the functions of any of them; (5) to abolish or transfer to any other agency any of the functions exercised by the Engineer Corps of the Army or the Mississippi River Commission in administering any laws relating to rivers and harbors or flood control.

I am very glad that language is there, because if there is any agency of the Government which has done a fine job, it



is the Engineer Corps of the Army. I should not like to see that provision changed. But we find the next subparagraph changed so that it reads:

(6) Authorizes any agency to exercise any functions which are not expressly authorized by law in force on the date of enactment of this act.

That is good. That means we will still observe the law.

In line 12, on page 4, we find the addition of another subsection:

(8) To abolish any function transferred to any agency or agencies.

I assume that to mean that when the transfer of any agency is made, there shall be no interference with its existing functions.

On page 4, beginning in line 17, the language is:

In any case of a transfer under this title, the Executive order issued by the President shall also make provision for the transfer of such unexpended balances of appropriations available for use in connection with the agency or function transferred as he deems necessary by reason of the transfer.

Then there is an insertion:

But such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made.

That seems like good sense.

On page 5, in subsection (d), we find certain changes. It originally read:

(d) In the case of the abolition of any agency or function pursuant to this title, the Executive order providing for such abolition shall also make provision for winding up the affairs of the agency abolished or the affairs of the agency with respect to the function abolished, as the case may be.

The two lines at the end are stricken out, so that the provision now reads:

(d) In the case of the abolition of any agency pursuant to this title, the Executive order providing for such abolition shall also make provision for winding up the affairs of the agency abolished.

The PRESIDING OFFICER (Mr. HATCH in the chair). The time of the Senator from New York on the amendment has expired.

Mr. COPELAND. Very well, Mr. President. May I ask unanimous consent that a reprint of the bill be made, showing the amendments which have been made up to this point?

Mr. BARKLEY. Mr. President, reserving the right to object, I have no objection to the reprinting of the bill, showing the amendments agreed to at any stage. However, in view of the fact that many other amendments are pending, and others may be offered, I am wondering whether it would be of very much value to reprint the bill now, before the other amendments are disposed of. If we are going to reprint the bill each day, it will be difficult to follow it.

Mr. COPELAND. Would the Senator object to a unanimous-consent agreement that there be a reprint of the bill at the close of our proceedings today?

Mr. BARKLEY. I have no objection to reprinting the bill at any stage when a reprint of the bill with amendments is of value, but if we undertake to do that each day it will be difficult to follow the changes.

Mr. COPELAND. I take it, Mr. President, that the changes which have been made up to the present time are largely clerical, and that we have before us only a few fundamental matters.

Mr. BARKLEY. I have no objection to a reprint of the bill being ordered at the conclusion of today's proceedings, the reprint to show the amendments which have been agreed to up to that time, for the benefit of the Senate tomorrow or in the future.

Mr. COPELAND. I accept that suggestion.

The PRESIDING OFFICER. The request of the Senator from New York is that at the conclusion of today's proceedings there be a reprint of the bill, showing all amendments which have been agreed to up to that time. Is there objection? The Chair hears none, and it is so ordered.

Mr. CAPPER. Mr. President, I desire to speak briefly in support of the amendment offered by the Senator from Vir-

ginia [Mr. BYRD] calling for a reduction of 10 percent in expenditures of the executive departments.

I will admit, Mr. President, that I do not consider this blanket reduction method the best way to reduce expenditures.

In the past few years Congress, it is true, has been making huge blanket appropriations. Some of these were perhaps justifiable to meet relief needs during the height of the depression, at the beginning of the administration of President Roosevelt. The practice certainly is unsound as a permanent policy, however, and it has become at least a settled policy for the past few years.

As I see it, such blanket appropriations justify the effort to reduce expenditures by requiring blanket reductions.

We must start the unpleasant task of reducing expenditures somewhere, sometime. The continual spending of more than income will lead us into national bankruptcy.

We have had 8 years of recurring deficits, 8 years of unbalanced Federal Budgets, and the end is not in sight.

Let us look at the record. Not counting soldier-bonus payments, the deficits in round numbers for fiscal years are as follows:

\$480,000,000 in 1931.

\$2,700,000,000 in 1932.

\$2,600,000,000 in 1933.

\$3,600,000,000 in 1934.

\$3,000,000,000 in 1935.

\$2,500,000,000 in 1936.

\$2,150,000,000 in 1937.

\$2,000,000,000 (estimated) for 1938, notwithstanding that the Federal tax collections for the current fiscal year promise to be the largest in our national history.

The Federal Government will collect in the neighborhood of \$6,300,000,000 in taxes this year. That is approximately one-tenth of the national income. State and local tax collections are increasing. Between one-fifth and one-fourth of the national income this year will be required to pay taxes to all our forms of government.

In the past 5 years we have added some \$18,000,000,000 to the public debt. We have expended some \$39,000,000,000 or approximately \$8,000,000,000 a year, in the face of a promised reduction of 25 percent in cost of government. We have created 50 new governmental agencies, and are now proposing to turn over blanket power to the man who created these new agencies to shuffle them around at will and perhaps create additional ones.

Also, someone is "kidding" or being "kidded" by the device of using two budgets, regular and emergency. The administration reports a decrease in emergency spending. Then we find in another place that the spending still is going on, but it has become a regular expenditure instead of an emergency expenditure.

The record of expenditures is juggled back and forth between these two budgets, but the amounts paid out grow no less through this passing back and forth from one hat to another. For a while rabbits came out of the hat. Now all that comes out is unpaid bills and provision for further expenditures.

Unfortunately, as the Senator from Virginia [Mr. BYRD] pointed out the other day, while we have two budgets we only have one Treasury.

And we have lump-sum appropriations—\$15,000,000,000 turned over to one man to spend in the past 5 years.

I do not know whether or not the adoption of the amendment calling for a decrease of 10 percent in expenditures will accomplish what is intended. But at any rate, we must make a start sometime, somehow, somewhere. So I am going to support the Byrd amendment.

Mr. President, while I have the floor I desire to say a few things about the pending legislation.

I consider it bad legislation, though the object sought is a worthy one. No doubt, the departments should be reorganized in the interest of both efficiency and economy.

But, Mr. President, many governmental crimes are committed these days in the name of efficiency and economy.

In this instance Congress is asked—and apparently is going to grant the request—to surrender its legislative functions and powers to the Chief Executive.

We are asked, and have voted to grant the request, that the Civil Service Commission be abolished and a one-man dictator of Federal employees be set up in its place.

The present Civil Service Commission has not gone so far as I would like in the way of installing the merit system in appointments and promotions in the civil service. But that is the fault of Congress rather than of the Commission.

But at least what has been accomplished by the Civil Service Commission has been in the right direction. Now, it is proposed that in place of a bipartisan commission we substitute a one-man administrator. He will have power, it is true, to put a merit system into effect if he wants to do that, but he also will have power to return completely to the spoils system, beloved by the politicians. He can become, if he so desires, the chief dispenser of patronage for any administration in power.

The Senate made a bad matter worse when it rejected the amendment offered by the Senator from Massachusetts [Mr. WALSH], which would at least have saved some of the gains made toward placing the civil-service employees of the Federal Government on a merit basis.

Also, I much regret that the amendment offered by the Senator from Montana [Mr. WHEELER], to retain in the hands of Congress the legislative power which it should exercise, was defeated. The bill as it now stands seems designed to undermine democratic government and substitute centralized one-man power. I think Congress should refuse to grant more power to any President.

Some 17 years ago Congress created an agency to check on Federal expenditures, the Comptroller General. The Comptroller General was, and is today under the law, an agent of and responsible to the Congress. This bill proposes to make him an agency of the Executive—a throw-back to several hundred years ago, when the English people established, through a series of bloody wars, that the Parliament should control the purse strings. I am strongly opposed to this provision of the pending legislation.

I say again this is a bad bill. It should be defeated. It never should have been proposed carrying these broad grants of legislative power to the Executive. True, it has been modified so that some of the details are not so detrimental to the public interest as when the bill was originally drafted. But it still is such an unsound piece of legislation, so thoroughly inconsistent with and repugnant to our form of representative government, that it ought never to be enacted into law.

I think we should drop the reorganization bill in its present form and concentrate on getting the 11,000,000 idle men and the billions of idle dollars back to work.

I shall vote against the bill.

Mr. BORAH. Mr. President, I understand the pending question is on the amendment offered by the Senator from Virginia [Mr. BYRD], the Senator from North Carolina [Mr. BAILEY], and the Senator from Nebraska [Mr. BURKE], which reads as follows—

(f) To reduce the regular expenditures—

And according to the declaration in the bill one of the purposes of the proposed reorganization is to reduce the regular expenditures of the Government—

To reduce the regular expenditures of the Government for the fiscal year ending June 30, 1940, by an amount not less than 10 percent of the regular expenditures of the Government for the fiscal year ending June 30, 1939.

That is to be subdivision (f) if adopted, and would come under section 1, the first paragraph of which reads:

The President shall investigate the organization of the various agencies of the Government and shall determine what changes therein are necessary to accomplish any of the following purposes, to wit—

Then would follow, after other declarations, the amendment embodying clause (f) as one of the purposes of the proposed reorganization.

The question I rose particularly to ask is: Is there objection to this amendment? Do I understand that the Senator from South Carolina is in opposition to the amendment which is now pending?

Mr. BYRNES. Mr. President, yes; I am.

Mr. BORAH. I am really asking the question in good faith. What is the objection to an effort to reduce governmental expenditures by 10 percent? If we are not going to make an effort to reduce expenditures by the modest sum of 10 percent, I really do not know why we are entering upon the consideration or contemplating the passage of the reorganization bill.

Mr. BYRNES. Mr. President, I addressed the Senate on that subject last week. The modest sum to which the Senator refers would be at least \$450,000,000. The amendment offered by the Senator from Virginia proposes to reduce expenditures in the regular operating costs of the Government; and, if adopted, it would mean the reduction of \$450,000,000 in those expenses.

The Senator from Idaho knows that under this bill the President is given no power to abolish functions. Having no power to abolish any function, it is certain that the only way by which economy may be obtained is by merging bureaus and reducing the number of employees who are engaged in administering functions now authorized by law. The total amount of expenditures for all employees to carry out the functions now authorized by law is about \$1,300,000,000. Therefore, in order to save \$500,000,000 of that \$1,300,000,000 it would be necessary to discharge one out of every three employees of the Government.

That could not be done in the case of the agencies referred to by the bill. One out of every three rural carriers and postal workers could be discharged, and thereby, possibly, \$500,000,000 might be saved.

Mr. BORAH. How many employees has the Government at the present time?

Mr. BYRNES. There were 811,481 employees in the executive branch of the United States Government during the month of January 1938, a decrease of 79,122 since December, due primarily to the termination of the temporary employees hired in the Post Office Department to handle the Christmas mail. This also caused the decrease in the pay roll, which was \$122,861,647 for January, or at the annual rate of \$1,474,000,000.

Mr. BORAH. It seems to be the view of the Senator that the number cannot be reduced perceptibly?

Mr. BYRNES. I think it all depends upon what the Senator means by "perceptibly." I think the Senator will agree with me, upon consideration, that, in view of the fact that we are under the bill not permitting the President to abolish any functions, and have no intention of giving him that power, expenditures cannot be reduced by \$500,000,000.

I submit to the Senator that the amendment, which is a declaration of purpose to reduce expenditures by at least 10 percent, is not feasible. The only way the number of employees of the Government can be reduced, and expenditure can be reduced, is to make the reductions on appropriation bills. The Congress appropriates the money, and if Congress believes it can reduce the number of employees of the Government by one-third, it ought to do it; it ought to say where the reduction shall take place, and not call upon the President to reduce expenditures by 10 percent.

Mr. BORAH. That is, is it not, the very object of the bill in the mind of the able Senator in charge of the bill, namely, to turn over to the President the matter of adjusting governmental agencies so that expenditures may be reduced?

Mr. BYRNES. No, Mr. President; the purpose of this bill, as stated in the first section, is "to reduce expenditures to the fullest extent consistent with the efficient operation of the Government." I do not think anyone seriously contends that the number of employees in the Post Office Department can be reduced by one-third. Furthermore, unless there were some merger provided for in the Post Office Department under this bill, the President could not eliminate



one employee in that Department. Therefore he would have to eliminate two-thirds in some of the other Departments, say, for instance, the Agricultural Department.

Except insofar as agencies may be merged, the President could not touch them at all. If the President should merge half a dozen or two dozen Departments or commissions, appropriations would have to be reduced by \$500,000,000 in order to comply with the direction of the pending amendment.

Mr. BORAH. Of course, the amendment offered by the Senator from Virginia has no punitive clause attached to it in case the reduction should not reach 10 percent. It seems to me, however, that Congress ought to have some view as to the reduction of the cost and the expenditures of Government, and the amount which is suggested by the amendment is, to my mind, reasonable.

Mr. BYRNES. Mr. President, if the Senator believes that it is reasonable to expect that we can reduce appropriations for personnel by \$500,000,000 or one-third, I disagree with him, but I submit if that were reasonable and possible I remind him that a number of appropriation bills are yet to come before the Appropriations Committee, and that committee would like to know how to go about such a reduction. The Senate last week passed a bill appropriating more than \$1,000,000,000, and not one Senator moved to reduce a single item in it. If we did not think that we could eliminate a single employee, how could we declare in this bill that it is the purpose to bring about a reduction of \$500,000,000 in expenditures?

Mr. BORAH. The very object of this bill, as I assume, is to acquire information through the activities of the executive department as to where expenditures may be reduced.

Mr. BYRNES. Mr. President, on the contrary, the purpose of the bill is by the exercise of the power conferred "to reduce expenditures to the fullest extent consistent with the efficient operation of the Government." That is the declaration of purpose of the bill.

Mr. BORAH. The Senator does not think that there can be very much reduction, I understand?

Mr. BYRNES. I have said that I know, in all common sense, we cannot reduce the appropriations for the Government by \$500,000,000 unless we abolish functions and abolish powers. We cannot have all the functions which are today authorized and carried on by our employees at a present cost of a billion three hundred million dollars carried on in future for \$500,000,000 less and have efficiency. I do not think we can cut the number of employees in the Postal Service of the Government by one-third.

Mr. BORAH. Then one of the great virtues advertised for this reorganization is not going to be realized. That is, there will not be any considerable reduction of expenditures.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. BYRD. Last year the Senator from Idaho introduced in the CONGRESSIONAL RECORD a radio speech made by the Senator from South Carolina [Mr. BYRNES], in which the Senator from South Carolina said, speaking of a 10-percent reduction in governmental expenses, which he then advocated:

The fixed charges, which must be exempted from the cut, would probably amount to one-half of the total appropriations, leaving approximately three and one-half billion dollars to which the cut would be applied and making possible a saving of \$350,000,000.

That is what the Senator from South Carolina said last May. I should be perfectly willing to amend and modify my amendment so as to adopt the exact language of the Senator from South Carolina, because I am so anxious to see that some declaration for economy shall be incorporated in this bill.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. BYRNES. The Senator from South Carolina made that radio speech; and a few weeks thereafter, on the floor of the Senate, the Senator from South Carolina stated that after investigation he found that a 10-percent cut would be

impossible without crippling the services of the Government, and therefore he would not offer the amendment.

The Senator from South Carolina at that time was proposing to offer that amendment on an appropriation bill, giving power to abolish functions where it was necessary. In connection with the pending bill the Senator from Virginia is opposed to abolishing functions, and the Senator from Virginia still wants to save \$500,000,000 out of the compensation of employees; but—

Mr. BYRD. Mr. President—

Mr. BYRNES. The Senator from Idaho yielded to me. In order to do that, it would be necessary to stop making such appropriations as were carried in the deficiency bill recently passed. Ten percent could not be deducted from the amount carried by that bill.

An appropriation of \$18,000,000 was made to pay the interest on the debts of some of the farmers. The President vetoed the bill, trying to save some money for the Government. The veto message came up here, and the Senator from Virginia voted to override the veto, and to insist that the Treasury should pay the interest of some of the farmers of the Nation at the expense of all of them.

A few weeks ago the Senator from Colorado [Mr. ADAMS] had to bring in a deficiency bill appropriating millions of dollars to pay that interest. We cannot reduce by 10 percent the amount of interest paid on farmers' obligations by any action taken under this bill.

Mr. BYRD. Mr. President, I do not want to take up the time of the Senator from Idaho, but I think I owe it to myself to make a brief reply to the Senator from South Carolina.

Mr. BORAH. Very well; I yield.

Mr. BYRD. The Senator from South Carolina has no justification whatever for saying that the Senator from Virginia is opposed to abolishing functions of government. I should have willingly given that power to the President had the Wheeler amendment, requiring ratification by Congress of the action of the President been agreed to. I am in favor of abolishing some of the functions of the Government, and I am in favor of economy. In my judgment, the enactment of this bill will greatly increase the cost of Government and will not reduce it a single cent.

Mr. BORAH. It seems to me that I recall—though my memory may fail me—that in 1932 one of the great political parties pledged the country that it would reduce the expenditures of the Government by 25 percent.

Mr. BYRNES. Mr. President, I very distinctly remember that. It was done; and the Senator from Idaho knows that it could be done only by the Congress, which makes appropriations, performing that service. The Congress has appropriated far more than that, and the Congress at this session is appropriating money in excess of the amount appropriated for the departments for the current fiscal year; and, so far as I know, no representative of the Republican Party or of the Democratic Party on the floor of the Senate has moved to reduce the appropriations \$1, with the exception of the Senator from Maine [Mr. HALE], who submitted an amendment to reduce the relief appropriations, but afterward voted for the amount recommended by the committee, if my recollection is correct. If Congress does not reduce the expenditures, how in the world can we reduce them by 25 percent, 5 percent, or 2 percent?

Mr. BORAH. Mr. President, one of the purposes of this reorganization bill was to investigate and to ascertain where and how these reductions should be made. As I understand, that was one of the main purposes of the bill. It has been heralded throughout the country that one of the great purposes of the bill is to reduce the expenditures of the Government.

Mr. BYRNES. That is undoubtedly correct; but how? By merging agencies; and under the terms of the bill there is no power to do it by abolishing functions. If agencies are merged and consolidated there should be a reduction in expenses, but not a reduction of 10 percent.

Mr. BORAH. If the Senator would agree with me on referring back to Congress the question of abolishing agencies, bureaus, and so forth, I think that ought to be done. I have not any doubt at all that the power to abolish ought to be here, and the power to abolish agencies as well as functions. All I am contending for is that there should be cooperation between the executive and the legislative departments in working out this program. If that were done, in my opinion we could accomplish a very great deal along that line.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the bill (S. 3655) amending section 312 of the Agricultural Adjustment Act of 1938.

The message also announced that the House had passed a bill (H. R. 9218) to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes, in which it requested the concurrence of the Senate.

#### HOUSE BILL REFERRED

The bill (H. R. 9218) to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

#### REORGANIZATION OF EXECUTIVE DEPARTMENTS

The Senate resumed the consideration of the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Virginia [Mr. BYRD] on behalf of himself, the Senator from North Carolina [Mr. BAILEY], and the Senator from Nebraska [Mr. BURKE].

Mr. BAILEY. Mr. President, in 1932 we promised that if we obtained control of Congress and the administration, we would reduce the expenses of the Government by 25 percent. At that time the expenses of the Government were about three and a half billion dollars. Now, in 1938, in another election year, we report back to the people that so far from keeping that promise, we have increased the regular expenses of the Government to five and a half billion dollars, and the extraordinary expenses of the Government two and a half billion dollars more, and the total to \$8,000,000,000; and when a modest amendment is offered here to reduce the regular expenses by not less than 10 percent, we are frankly told by the advocates of the bill representing the administration that such a thing is not to be thought of, and is altogether impossible, and not intended.

Mr. President, I will say to the Senators present—and also to the American people so far as I can be heard—that this is not only astonishing; it is devastating in its disappointment. We are within 7 months of an election.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. BAILEY. Yes.

Mr. BARKLEY. Nobody denies that in 1932 we promised to reduce the expenditures by 25 percent; and nobody can deny that we immediately started in to do that, and did do it in the Economy Act. But does the Senator from North Carolina believe that we could have retained those reductions, or could have refused even to increase the expenditures of the Government beyond what they had been previously, in view of the circumstances and conditions which we found to exist immediately after we came into power in March 1933, and in the remainder of that year and in 1934, which we did not anticipate in 1932?

Mr. BAILEY. Mr. President, I am glad the Senator has asked me the question. I will not be too certain about the matter; but I will give my humble opinion that if, in 1933, Congress had balanced the Budget, the country would be

prosperous today, and the number of the unemployed would be less than three or four million.

Yes; the mistake we made, Mr. President—and it is a profound mistake and it must be corrected—was to place the whole American fabric, with all its structure, banks and businesses, workers and people, on a basis of borrowed money. That is not a substitute for work. That is not a means of recovery. That is not a source of wealth. We might just as well try to beat back the seas with an old whisk broom as to try to cure a depression by borrowing immense sums of public money and throwing them about.

Yes; I am answering the question of the Senator. If we had reduced the expenses of the Government to the normal income, and "stood the gaff," hard as it might have been, in all probability there would be no problem of unemployment today.

Mr. BARKLEY. Mr. President, if the Senator will yield further, I long for a balanced Budget as earnestly as does any Senator on this floor, but I have never been able to convince myself, and no one has been able to convince me, that a balanced Budget, desirable as it is by itself, is such a magic wand as to bring an end to unemployment or by itself to stimulate industry to such an extent that everyone who wants to work will be able to find work.

Mr. BAILEY. Mr. President, I state to the Senator right now that a balanced Budget is not a magic wand, but the Senator and the administration which he represents here have undertaken to use a magic wand, and the magic wand has ceased to work its magic. Now hear me about that.

Mr. BARKLEY. Mr. President, I do not want to take the Senator's time, but so far as the promise made in 1932 is concerned, we all know that that was made an issue in 1936, and the American people by an overwhelming majority decided that the party in power should not be retired because it had not reduced expenses by 25 percent.

Mr. BAILEY. I agree to that, and I shall say something more. It is a serious question as to what the American people will do so long as they depend, to the number, I should say, of twelve to fifteen million persons, on handouts from the Treasury of the United States. People who are receiving checks from the Government are really not in position to pass on the fiscal questions of taxation and balancing the Budget. They are affected with an interest. They want the money, and the more the Government does for them the more it will have to do.

Mr. BONE. Mr. President—

The PRESIDING OFFICER (Mr. LEE in the chair). Does the Senator from North Carolina yield to the Senator from Washington?

Mr. BAILEY. Of course I will yield. My time is limited, but I will take my time on the bill, since this question has been raised. This is the most serious aspect of our life today.

Let us count up the number. Nearly a million people are on the pay roll as officials, clerks, and all that sort of thing; the United States Army numbers perhaps 160,000; the Navy, I take it, numbers at least 150,000 more, and we are to enlarge it and enter upon a great program; there are 6,000,000 farmers, each one getting a check; there are 2,000,000 unemployed on the W. P. A., and that number is being lifted to two and one-half million, perhaps to 3,000,000. Then there is the payment of pensions, the demand increasing all the time. There are the payments to the States. There is the old-age relief and Social Security unemployment payments to the workers. I take it we are taking money now out of the Treasury every day which goes directly to not less than 15,000,000 of the people of the United States who are over 21 years of age, and all of them can vote.

I do not wish to deny those people the vote by any means; they have a right to vote, and I shall always stand for that; but, to be sure, it is in the very nature of men that they will vote for the side from which they get direct benefits. It is also in the nature of men that they will want more benefits. It is further in the nature of men that if they see a group getting benefits they will say, "Why may we not get benefits?"



Mr. President, that is the gravest aspect of our whole problem, and instead of trying to run away from it, we are running into it. Instead of undertaking to resist it, we are encouraging it.

I now yield to the Senator from Washington.

Mr. BONE. Perhaps my question might more properly be directed to the able Senator from South Carolina, who has charge of the bill, but it is an impossibility for a Senator to hear and read all the arguments on the bill. Therefore I am not apprised whether there has been a study made of the executive departments with a view of ascertaining how many, if any, of the employees of the Government who might be affected by a consolidation or reorganization would be discharged, with the idea of saving expenses in the way of salaries. Perhaps the Senator may have heard some discussion of that question, but I have not heard it discussed on the floor, and my inquiry is merely propounded with the purpose of ascertaining how much may be saved by consolidations in the way of salaries and positions if consolidations are effected in the manner the Executive has in mind.

Mr. BAILEY. Mr. President, I think that can be answered in a general way. I do not have sufficient knowledge to say how many people in one Department or another might be discharged, but I think it is a self-evident truth, as we said in our platform of 1936, that a government which has increased its expenditures for regular account, exclusive of recovery and relief, from \$2,700,000,000 in 1934 to \$5,400,000,000 in 1938, practically doubling the expenditures, from \$2,700,000,000 four years ago to \$5,400,000,000 this year—it is self-evident that a demand for a reduction of 10 percent in the regular expenses is even more reasonable than it is necessary. For Senators to say that it is impossible that a man or a corporation or a business increasing expenses from \$2,700,000,000 in 1934 to \$5,400,000,000 cannot cut down the expenses by \$400,000,000 strikes me as an absurdity. Why not? What are we doing now that is so important that we should spend all that money in the regular departments of the Government? I should think it would be quite reasonable to say—and I did say here 3 or 4 months ago—that we could reduce the expenses of the Government by a billion dollars. I do not think that is unreasonable. What would we have then? We would still be spending \$4,400,000,000.

We got along in 1937 with \$4,400,000,000. In heaven's name what has happened that we cannot get along in 1938 with the same figure?

Mr. President, it is a simple proposition. We are spending a billion more this year, according to the report before me, a report filed by the junior Senator from Virginia [Mr. BYRD] in his minority views, and not questioned. We are spending \$5,400,000,000, and last year we spent \$4,400,000,000, and I dare say we were getting along better last year with \$4,400,000,000 than we are getting along this year with \$5,400,000,000. There is a saving of a billion dollars possible right there. Just go even to last year's expenditures.

Someone says it would throw somebody out of a job. Very well. Now, hear me about that. The United States Government never was founded, never did exist, does not now exist, and never will exist to provide jobs for people. We can take care of people in necessitous condition; but this money does not do that. This money goes to the payment of salaries of people who have regular jobs, and then to the general expenses of the Government. When the Government goes into the business of enlarging itself in order to employ people there cannot be any doubt as to where it will wind up. That is exactly what state socialism is; that is the totalitarian, socialistic form of government.

Let us go a little further and see where we land. We will reach the point where the taxpayers who are paying these enormous expenses—and that does not mean the big, rich people, by any means—will find the burden so great that they will throw up their hands and say, "Let us get on the Government, too." Everyone will get on the Government. That is the creeping movement of Fabian socialism.

Some may think that an extravagant statement. I am prepared to say that we have reached the point now when

the average corporation in the United States is no longer to be considered a business institution doing business, buying raw material, and manufacturing it and selling the product. That was the original conception. The present conception of the corporation in the United States is that of an immense institution to collect taxes from the American people, to collect taxes directly which the Congress does not have the courage directly to collect.

Just to give an example, I was reading in the reading room here the other day, not making a study, but reading the New York Times, which carried a statement of the operations of the Texas Co. for the year 1937. It paid \$3,300 that year in taxes to the Government for each man it employed. The employees were receiving an average of \$2,000, but for every man on the pay roll of the Texas Co., with which we are all familiar, it paid the Federal Government \$3,300.

I turn now to the workers of the United States, who want better wages, and with whose aspirations in that respect I am in full sympathy. I want every man who works to have a good income and a good home, and an opportunity to do well by his children, and to lay up something for his old age. But how can the Texas Co. pay \$3,300—

The PRESIDING OFFICER. The time of the Senator from North Carolina on the amendment has expired.

Mr. BAILEY. I shall take my time on the bill.

Mr. President, the Texas Co. is not in a class by itself. I would not say it is absolutely typical. How can the Texas Co. pay \$3,300 to the Government for every man it employs and at the same time raise the wages of its men? Uncle Sam gets the money long before the worker can get to it and then turns around and taxes the worker when he buys gasoline. That is the situation.

I know of a great soap company in America, the name of which I am not at liberty to give, the average salary of whose workers is \$1,640 a year. That company pays taxes equal to \$2,000 for every man employed.

It may be said that these corporations have made a great deal of money.

Mr. CONNALLY. Mr. President, were those taxes excise taxes, that could be passed on, or were they profits taxes that came out of the income of the company?

Mr. BAILEY. I shall answer the Senator from Texas when I have finished the sentence I had begun.

It may be said that the Texas Co. made a great deal of money. The report showed that it paid the United States Government exactly twice as much taxes per share of stock as it paid in dividends to the people who invested their money in it.

Mr. President, those are facts. They are not matters of imagination. Those facts can be verified by going into the Senate reading room and reading any of the financial journals.

I am making the point that we have reached such a degree of spending that we do not dare levy the taxes on the people. Oh, no. If we levied those taxes directly on the people, every last one of us would be driven out of public life. Not a man in the House who stood for the imposition of direct taxes on his constituents could be reelected. So we use the corporate device. We lay the taxes on the corporation. The corporation passes them on to the workers in the way of lower wages, and to the consumers in higher prices, and when that is done no demagogue can be heard to "holler" that the corporation ought to reduce prices. I am saying that a government which expects prices to the consumer to be reduced ought to be fair enough to reduce the taxes which the corporation has to pass on to the consumer.

I shall now answer the question of the Senator from Texas. There are no taxes, so far as I know, other than possibly inheritance taxes, that are not passed on to the consumer. Even inheritance taxes, to some degree, may be passed to the consumer.

Mr. CONNALLY. Mr. President, I wish to clarify my question. I really was seeking information.

Mr. BAILEY. I am happy to give it to the Senator.

Mr. CONNALLY. The Senator spoke of a soap company that paid taxes on an average of \$2,000 for each employee. There is an excise tax on certain kinds of soap. What I wished to ascertain was whether or not the amount of the tax, had it not been paid, would have gone into the treasury of the company and increased its earnings, or was it an excise tax of such character as is usually passed on to the retailer or to the consumer?

Mr. BAILEY. The tax would not have gone to the company alone. It would go to the company in case of a monopoly, but we have a law against monopolies, and the competition in the soap trade is very sharp. Any business in America which undertakes to gouge the people will always fall into competition so long as we enforce our monopoly laws, and I think we are doing that in a very great way. If the taxes on the soap companies are reduced the housewives will pay less for their soap, and if one company does not reduce the price the other will. The same thing is true with respect to oil and gasoline. A great profit cannot be charged in America without many a man saying, "You are making a profit; very well, I will go in and share it. There is nothing to prevent me from doing that."

Let us get that perfectly clear. One of the primary things we have to do in America is to inform the American people that they pay the taxes. I know of nothing more pernicious, nothing that really does us so much damage in this democracy as the generally cultivated view that the Congress levies taxes on the rich and that the Government is supported by taxes on the millionaire and the great corporations. I have said in the Senate over and over again—and it is not a matter of any doubt—that the corporation must pass on the taxes, otherwise the corporation will die. Corporations pay taxes out of the money they collect from the consumer when they sell him goods.

Here is a pack of Camel cigarettes. I do not know just how much tax is paid by the manufacturer of these cigarettes, but I am going to make an estimate, because I come from the State where they are manufactured. Camels, Chesterfields, and Lucky Strikes are manufactured in a very large measure in North Carolina. If Senators read the tax reports they will see that my State, principally through the three companies manufacturing those brands of cigarettes, pays into the Federal Treasury something like \$300,000,000 a year. Some ignorant man may say, "See what the Government is getting out of those great corporations." The Government is not getting it out of the corporations. The Government sells the corporation that little stamp which is found on top of the pack. The package cannot be opened without breaking the stamp. What does the Government sell the stamp for? It sells it for 6 cents. What do I pay for the pack of cigarettes? I pay 15 cents. Out of the 15 cents that I paid, the cigarette company collects 6 cents for the Federal Government. Who pays it? Why, I pay it in this instance. Every man and woman in America who buys a package of cigarettes pays tribute to the Federal Government through the cigarette company. That is all there is to it. The cigarette manufacturers are great tax collectors for the Federal Government. The same thing applies with respect to gasoline. That brings in an immense revenue to the States, and now brings some revenue to the Federal Government—I think some \$400,000,000.

That is so with respect to our long list of nuisance taxes, as we call them. For instance, the taxes on automobile parts. I should think any man with common sense could see that.

That is true of the electric light which shines in your room. To be sure, no one taxes the American citizen for having a light in his room, and if we did that, we would be driven out of office. We tax the power company and say, "You collect the tax and give it to the Federal Government," and never let the consumer know that Uncle Sam or the Congress levied the tax.

All that should be brought home to the people. The American people are going to wake up to the situation sooner or later. They are going to understand what we mean when we lay upon them this great charge of \$5,400,000,000 for

the regular expenses of the Government this year, all of it coming out of the meager earnings of the toiling masses. None of it in reality comes out of the great corporations which we make out we are compelling to pay the taxes.

I think it is a very discouraging thing, Mr. President, that in this year, when we know the revenue is going down, and none of us knows how far it is going down, when we know that the national income is being reduced, when every financial report and every newspaper tells us that the corporate structures, the great businesses, are not being able to sell the goods and make the money this year that they were making last year, when we know the revenue will be down by \$500,000,000 or perhaps a billion dollars next year, and when we know that if that happens the Budget will not be out of balance \$1,000,000,000, it will be out of balance \$3,000,000,000—having that knowledge, I say it is a most discouraging and disheartening thing to me, and I think to all Americans, that at the time there is pending in the Senate a bill to reorganize the Government, and it contains the sentence that one of its purposes is "to reduce expenses to the fullest extent consistent with the efficient operation of the Government," when we undertake to define that in simple language of "not less than 10 percent" we are told that it is out of the question, that it was never intended and is not to be thought of.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BAILEY. I will yield to the Senator from New Mexico in a moment. I wish to answer the leader on the matter of balancing the Budget. If the Senator from New Mexico will remind me, I will yield to him later.

The senior Senator from Kentucky spoke of the balancing of the Budget as a sort of magic. The balancing of the Budget is a reality. It is not magic. The borrowing of money and handing it out is a make-believe prosperity.

The balancing of the Budget is the root of prosperity. Hear me about that. It is a very simple thing. As long as the Budget is unbalanced, no man can tell what taxes will be. That is one basis of instability. As long as the Budget is unbalanced, no man can tell what the value of money will be. We may run into inflation. We may run into national bankruptcy. An unbalanced Budget 8 years in succession is at least a warning to us. It is a danger signal. It is a red light, telling us to stop. That is another cause of instability.

As long as the Budget is unbalanced, no man can say today what his money will be worth 30 days from now. No man can say today, if he borrows, in what value he will have to repay. No man can say today, if he lends, in what value he will be able to collect. As long as the Budget is unbalanced, there is instability in the currency. As long as the Budget is unbalanced, there is instability in prices. As long as the Budget is unbalanced, no man, having earned a dollar, is justified, as a prudent man, in putting it out to interest or to investment.

We want in America the flow of capital funds. That is the only thing that will employ the American people. The Government is no substitute for work. The Government cannot continue to support the people, but the expansion of enterprise by the investment of capital will do it. That effect has been calculated. Every \$6,000 invested in America will employ one man, not for a day, but as long as that \$6,000 is not interfered with and remains active in the business.

The characteristic of this depression from the beginning has been that in 1930 capital ceased to flow into investments, and today we are short in capital investment by the sum of perhaps \$40,000,000,000. That fact is the basis of the present unemployment. But how can we expect a man to put his money into business when the Budget is unbalanced? I am not speaking about rich men. If I had \$10,000, how could I be expected to put that money into a business when the Budget is unbalanced, when currency is unstable, when taxes are unknown, and prices are undetermined? Men do not do such things.

I have replied to the Senator from Kentucky [Mr. BARKLEY]. I was astonished that he ever referred to a balanced Budget as magic. If I were in his place I should be careful



how I used the word magic. It can be used in the other way. We must abandon the process of magic for the process of reality. We must abandon the process of fictitious prosperity from borrowed money, plunging the Government deeper and deeper into debt year after year, until the debt today touches \$38,000,000,000. We must get down to the reality of encouraging people with money to put their money into business, not especially to make money, but in order that human beings may have a means of livelihood.

I would now be glad to yield to the Senator from New Mexico [Mr. CHAVEZ], but I notice he has left the Chamber.

I am glad to have had the opportunity to explain to the leader of our party on the floor of the Senate of the United States that there is nothing of magic in balancing the Budget of this country any more than there would be magic in balancing his own budget. Men cannot live upon debt. Governments cannot live upon debt. Men cannot be employed upon debt. Business cannot continue to expand upon debt. There must be profits. There must be savings. There must be investments. In order to have those things there must be confidence. In order that there may be confidence, there must be stability.

We can make a great many blunders in Congress, Mr. President, and it will not make much difference. Congress is not expected to be fool-proof, even under the Constitution. We can pass a social measure, and if it does not work we can get rid of it. We can get off something like the N. R. A., and if it goes awry we can abandon it and forget about it. We can pass a tax such as the undistributed-profits tax, and do immense harm; but we can correct it, and the American people have a way of going on. But when we spend a billion dollars, it is gone forever. We never get it back.

That is a fiscal mistake, at the root of our policy, which we cannot correct; and yet we go on.

I have watched very carefully, but I have never known an economy measure to prevail in the Congress. I have never known an effort to reduce appropriations to receive a majority vote in the Congress. On the other hand, I have never known an effort in Congress to increase expenses which failed of success. Sometimes I wonder about that. I have seen men who spent everything of their own go down to poverty and ruin, prodigal sons who wasted their substance in riotous living. I had some sympathy for them; but it was their money, and I thought it was all right. But what will posterity say of us? What will our constituents say to us when they wake up to what is going on? We did not spend our money. Oh, no. Probably we were saving ours. We were spending their money.

I am glad that our party has balanced its Budget. The other day I read an announcement by Chairman Farley, who was very proud that the Democratic Party had paid out. Why was that important? If this magic of borrowing, of which our leader was speaking, would work just as well, why was it important that the Democratic Party discharge its financial obligations?

I should like to take that subject as my text. The Democratic Party did balance its budget. The Democratic Party borrowed a great deal of money. We have collected it and paid it back; and now we are free, and we owe nobody anything. It makes us feel good and gives us a sense of efficiency. It increases our credit and enables us to do business this year. We should not have been able to do so if we had not balanced our budget.

Why do not the same principles apply to the Federal Government? Is there no bottom to Uncle Sam's barrel? Of course there is. He may exhaust his resources much sooner than one might think. We have piled up debt until the annual interest charge is a billion dollars. That much goes merely to pay interest. We used to think it was great extravagance when a billion dollars was required to run the Government. Now a billion dollars is required to pay the interest on the Government's borrowed money.

We shall come to a day which is not as far distant as some may think. I should say that on July 1, 1939, when

we report to the American people that so far from making progress in the direction of a balanced Budget we are reporting a disbalance of about \$3,000,000,000, things will break loose in the United States of America. We encouraged the people when we made a little progress in the direction of reducing the deficit. At one time this year we thought our deficit would not exceed \$800,000,000; and the President was happy to tell us so. Since then, the figures have gone up. No one knows, but it looks now as though the deficit would be one and a half billions. Even that is less than it was before, and that would be encouraging. However, with increasing expenses and decreasing revenue, there is every reason to believe that in the next fiscal year, ending July 1, 1939, the deficit, instead of being one and a half billions, will be nearer three billions. When the word goes out to the American people that after 9 years of disbalance and 9 years of accumulating debt the deficit is increasing by billions instead of decreasing, we shall see our structure shaking on its foundations. That is the prospect which lies before us.

The time to begin remedying the situation is now. It is said that efforts to remedy the situation will work hardships. Of course they may work hardships. It is said that it is inhumane to cut off some of the expenditures in behalf of the unemployed. It is hard, and no one likes to do it. Nevertheless, it is far more humane to save the credit of the country now than it is to spend the money and bring the people up against ruin, with a bankrupt country in no position to help them.

I am not a believer in paternalism, but I shall take a little analogy from the father and his children. It is a fine thing for a father to give his children good clothes, a good education, plenty of food, and some luxuries. It is a very inhumane thing to give them those things and then suddenly cut them off. However, a wise father and a humane father, seeing that he himself is exhausting his resources, will begin to conserve his resources in order that he may help his children over a longer period of time.

What good is it going to do the unemployed in America if we bankrupt the Government and leave them in the lurch in the time of need?

There is another consideration. This Government has got to deal with the situation, I should say, for many years to come. What if a year should come in which decreasing national income, decreasing revenue, increasing debt, and increasing interest charges should bring us so low that the millions would call upon us and we could give them nothing but manufactured money in the form of paper of which \$10 would not buy a loaf of bread?

These are not the words of an alarmist; they are the plain words of the muse of history, speaking in all the histories that were even written about any nation. History has but one lesson about that—the lesson for me that if I continue to overspend and overspend and overspend, I go into bankruptcy, and the lesson for every government that ever existed, that if it continues to overspend and overspend and overspend the day will come when it cannot spend at all. It is the old story of two and two making four. Yet men think it is alarming for me to say that, with a debt of \$38,000,000,000, with a decreasing revenue, with a record of deficits that extend in unbroken order from 1930 to the present moment, some of them as high as \$3,000,000,000 in a year, with a total deficit since 1932 of \$17,000,000,000, with a total deficit since 1929 of \$20,000,000,000, we are going down, down, down into the mire and the darkness and the pit and the hopelessness of debt. And when we come with a modest amendment to a bill proposing to reorganize the executive departments of the Government, requiring, so far as we can require, that the expenditures of the Government shall be reduced in this operation of reorganization by not less than 10 percent, we are told that it is out of the question, that it is perfectly futile, that we ought not to ask for it and that we ought to go on spending, spending, spending.

Mr. President, I would have thought that the Senator in charge of this bill, having found so little in it to commend

it to himself, even upon his own argument, would have seized upon this amendment as at least one little way of commending it to the American people and to the Senate. I thought that this amendment would strengthen the bill, but I am now told that it is all vanity and vexation of spirit; that nothing is to be contemplated in the way of reducing Federal expenditures. If we cannot reduce them in a reorganization of the Government, how can we reduce them?

So, Mr. President, I am hoping, and the hope is earnest, that this modest petition—for in its nature it is almost that—this modest move that we shall undertake to reduce the expenses of our Government by not less than 10 percent, after having increased them by 25 percent last year, will appeal to Senators with favor. I wish to say to them that if they make even this little gesture, it will probably be the most gratifying thing that they have done, so far as the American people are concerned, in 5 years. Heaven knows the American people need some encouragement; heaven knows the taxpayers need some assurance that those who profess to represent them are thinking about them; heaven knows that all America needs profound assurance that the elected representatives of the people are able to resist the temptation to appropriate other people's money and to pile taxes indirectly upon all the masses of the people, and intend to respond to a simple proposal so to reduce expenditures as to meet the necessities of a decreasing revenue and make an approach in the direction of a balanced Budget.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. BYRD] in behalf of himself, the Senator from North Carolina [Mr. BAILEY], and the Senator from Nebraska [Mr. BURKE].

Mr. HOLT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hughes	O'Mahoney
Andrews	Copeland	Johnson, Calif.	Overton
Ashurst	Davis	Johnson, Colo.	Pittman
Austin	Dieterich	King	Pope
Bailey	Donahay	La Follette	Radcliffe
Bankhead	Duffy	Lee	Reames
Barkley	Ellender	Lodge	Reynolds
Berry	Frazier	Logan	Russell
Bilbo	George	Loneragan	Schwartz
Bone	Gerry	Lundeen	Schwellenbach
Borah	Gibson	McAdoo	Sheppard
Bridges	Gillette	McCarran	Smathers
Brown, Mich.	Glass	McGill	Smith
Brown, N. H.	Green	McKellar	Thomas, Okla.
Bulkeley	Guffey	McNary	Thomas, Utah
Bulow	Hale	Maloney	Townsend
Burke	Harrison	Miller	Tydings
Byrd	Hatch	Minton	Vandenberg
Byrnes	Hayden	Moore	Wagner
Capper	Herring	Murray	Walsh
Caraway	Hill	Neely	Wheeler
Chavez	Hitchcock	Norris	
Clark	Holt	Nye	

The PRESIDING OFFICER. Ninety Senators having answered to their names, a quorum is present.

Mr. BURKE. Mr. President, I shall confine myself to the time, or a portion of the time, allotted to each Senator to discuss the pending amendment.

I have been very much interested in knowing whence comes the assurance held by all the proponents of the measure that under this reorganization plan it will not be possible to bring about any substantial reduction in the expenditures of our Government. As mentioned a moment ago by the Senator from North Carolina [Mr. BAILEY], I had supposed that the proponents of the measure would welcome the opportunity to record themselves in favor of an effort to reduce the expenditures of Government by some reasonable sum. It must be remembered, of course, that if the pending amendment should be adopted it would not arbitrarily reduce the expenditures of any department of Government. It would merely set up an additional declaration of standards under the bill, the goal toward which we would be aiming, which would be the effort, as a result of whatever reorganization might come under the bill, to bring about, for the

fiscal year ending July 1, 1940, a reduction of 10 percent in the expenditures for the previous year.

So I say that I have been interested in knowing from what source comes the assurance which the proponents have that we should not even strive to attain that object. It has already been mentioned that in May a year ago the Senator from South Carolina [Mr. BYRNES] urged, both on the floor of the Senate and over the radio, that there be imposed an arbitrary reduction of 10 percent in the expenditures of the Government; not merely a declaration of hope that that might be done, such as is embodied in the present amendment, but the definite assurance, as positive as he could make it at the time, that it was reasonable to set out to reduce expenditures by 10 percent.

What has happened since that time to cause a change in the mind of the Senator from South Carolina? There is only one reasonable thing that could have brought about that change of view in reference to this bill, and that is that when the Senator came to study the various bureaus and departments of government which we are all led to believe are overlapping—many different departments performing the same duties and doing it, as the country has been led to believe, at a considerable waste of public funds—he found that this was all a mistake; a mirage; that no reduction could be made. I should have supposed that that was what had caused the Senator from South Carolina to change his mind in this matter; but when I examine his statements on the floor of the Senate in connection with the pending bill I find that that is not so at all.

Even as late as last Friday the Senator from South Carolina took part in a colloquy, in which he declared himself as follows. I read from page 3656 of the CONGRESSIONAL RECORD.

I asked the Senator from South Carolina this question:

I would like to have the Senator give us just a little indication as to what is in his mind when he says "substantial."

Mr. BYRNES. I knew the Senator would ask that question, because he would like to have me commit myself on that point, but I told the Senator he was but wasting his time if he thought he could induce me to make a statement that I believed the President could save any specific amount of money. He could ask the question from now until a motion to adjourn was made and he would get the same answer.

And then came this significant statement, the Senator from South Carolina speaking:

I would never know what savings could be made unless I could make an investigation.

So that at once the alibi which I should like to be able to offer in good faith for the Senator from South Carolina flies out the window. Last May he knew, or felt very certain, that a 10-percent reduction could be made. He now does not want to commit himself even to a declaration of hope that some reduction may be made, and at the same time he has made no investigation whatever of the departments. I can see that he might not be sure that we could make a 10-percent or a 20-percent reduction, or that he could have doubts on the subject; but how he can be so certain that we should not even try to make a reduction is beyond my comprehension.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. BURKE. I very gladly yield.

Mr. BYRNES. The Senator does not seriously state that last May, in the speech I made over the radio, I stated that a 10-percent reduction could be made by the passage of this bill.

Mr. BURKE. No.

Mr. BYRNES. I was not discussing this bill at all at that time. I simply stated that it was my purpose at that time to offer an amendment to an appropriation bill to provide, as to all appropriations, for a 10-percent reduction.

About 2 or 3 weeks later, on the floor of the Senate, I stated that I would not offer that amendment, because I had found that it could not be done without crippling the departments of the Government. My statement had nothing at all to do with this bill.

Mr. BURKE. Very well. Last May, after the Senator from South Carolina, as a member of the Committee on



Government Reorganization, had been studying this subject for something like 4 months, he took his position on the solid ground that a 10-percent reduction could be made. He did not refer to the reorganization bill, which was then in the formative stage, but he had been studying the matter for 4 months; and the only reason why I make the point now is that in the months which have elapsed since that time the Senator has not studied the matter of the departments at all. How can he be sure that it is not worth while to try to make a 10-percent reduction? That is all this amendment proposes.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. BYRNES. The Senator should state that at the time I made that statement I was discussing the reduction of appropriations, having in mind the abolishment of functions, and that this bill was not under discussion at all; and later I announced that I would not offer the amendment, because I did not believe it to be practical.

Mr. BURKE. I think that is correct as far as it goes; also the statement that at that very time the Senator had been devoting himself with untiring energy for something like 4 months to the study of this very bill, which the entire country looked to, up to the time this debate started, as one of the means of curtailing Government expenditures. But the point I am now making is that the Senator has made no study at all of the departments and bureaus. I repeat what he said:

I would never know what savings could be made unless I could make an investigation.

Why, then, should the Senator tell us that it is not worth while to try to save 10 percent? So I asked the Senator on last Friday:

Has not the Senator investigated the Department? Is he advocating a bill without having made any investigation as to what could be done under it?

Mr. BYRNES. The Senator knows the answer without asking the question. If he is under the impression that members of the committee ever investigated the Departments to see which ones could be abolished and which ones could be transferred, he is informed now that no such investigation was made. That is the investigation the President is directed to make.

A short time ago, when the Senator from North Carolina was speaking, he was interrogated by the senior Senator from Washington [Mr. BONE], who asked an expression of opinion as to how many employees in the various Departments might be released if this reorganization bill were carried through effectively. He wanted to know whether any study had been made of that subject. The Senator from North Carolina answered the question. But my answer would be found in the statement of the Senator from South Carolina that no one will know anything about that until the investigation which this bill directs the President to make shall have been made by him.

While the President is making that investigation, if the bill should be enacted, and while his experts are studying the various Departments to report back to the President where reorganization should take place, what consolidations and regroupings should be put into effect, I think it would be of the utmost importance that there should be before the investigators—and before the President when he comes to act upon their recommendations—this definite statement of the legislative desire and will—that, if possible, a reduction of 10 percent should be made in the expenditures of the Government.

In order to complete the statement in reference to the position of the Senator from South Carolina, I go back to the opening day of the debate on the pending bill, on February 28, and read from page 2506 of the RECORD, the Senator from South Carolina [Mr. BYRNES] speaking:

If reorganization will result in our having responsible government in this Nation and save \$25,000,000, again I will salute it. If I had my way, I would save more money than that, and I believe the President can do it; but I know that the President has not had any opportunity to go into the subject in detail and ascertain what bureaus can be abolished. I do not see how he has the opportunity to do the things he has done and does do.

This is the situation, then, Mr. President: We have before us a bill to reorganize, regroup, and consolidate the various Departments of Government; no one up to this time has made any study of the matter so as to know how much in the way of savings, if any, can be effected as a result of the reorganization. Neither the President, nor the President's own committee, nor the committee so ably presided over by the Senator from South Carolina, nor anyone else has yet made a study on that subject. It may be entirely possible to save, not 10 percent, but 12 or 15 percent of the expenditures of the Government, leaving out the fixed charges. On the other hand, it may not be possible to save more than 7½ or 5 percent.

What the amendment proposes is to say to all of the people who will start out to make the investigation as soon as the bill becomes law, "Congress feels that you ought to bring about a 10-percent reduction."

I think it will be a matter of great disappointment to the people of this country to have brought home to them by the proponents of the pending measure a situation which they can construe only as meaning that the purpose of the bill is not to reduce the cost of Government at all, that there is no real interest, so far as this measure is concerned, in cutting down the expenditures of Government; that it may insure greater efficiency and perhaps better functioning of the Departments, but no real reduction in expenditure.

At once, therefore, when that position is made clear, we have the pending measure taken out of the category of emergency legislation. There is no reason why we should even have limitation on debate on this subject, no reason why Congress should be urged to pass this measure without the most thorough consideration.

The PRESIDING OFFICER (Mr. POPE in the chair). The time of the Senator on the amendment has expired.

Mr. BURKE. I reserve my time on the bill for a later occasion.

Mr. HOLT. Mr. President—

For 3 long years the Federal Government has been on the road toward bankruptcy.

For the fiscal year 1931 the deficit was \$462,000,000.

For the fiscal year 1932 it was \$2,472,000,000.

For the fiscal year 1933 it will probably exceed \$1,200,000,000.

For the fiscal year 1934, based on the appropriation bills passed by the last Congress and the estimated revenues, the deficit will probably exceed \$1,000,000,000 unless immediate action is taken.

Thus we shall have piled up an accumulated deficit of \$5,000,000,000.

With the utmost seriousness I point out to the Congress the profound effect of this fact upon our national economy. It has contributed to the recent collapse of our banking structure. It has accentuated the stagnation of the economic life of our people. It has added to the ranks of the unemployed. Our Government's house is not in order and for many reasons no effective action has been taken to restore it to order.

Upon the unimpaired credit of the United States Government rest the safety of deposits, the security of insurance policies, the activity of industrial enterprises, the value of our agricultural products, and the availability of employment. The credit of the United States Government definitely affects these fundamental human values. It, therefore, becomes our first concern to make secure the foundation. National recovery depends upon it.

Too often in recent history liberal governments have been wrecked on rocks of loose fiscal policy. We must avoid this danger.

It is too late for a leisurely approach to this problem. We must not wait to act several months hence.

Mr. President, those are not my words, but they fit into this argument very well. They are the exact words of the present President of the United States in a message to Congress on the 10th day of March 1933, when we did not have nearly as large a public debt as we have today, and our expenditures were not near as great.

I want to quote further from the President. He delivered a very good speech at Pittsburgh, and I wish to read from that speech on the question of economy. Again I say these are not my words; they are the words of the President of the United States. This is what he said at Pittsburgh:

We all know that our family credit depends in large part on the stability of the credit of the United States, and here at least is one field in which all business—big business and little business, and family business, and the individual business—is at the mercy of our big Government down in Washington.

Think of the "big Government" in 1932 compared with the "big Government" in Washington in 1938. I quote further from the President:

What I would like to do is to reduce, so far as is possible, the problem of our national finances to the terms of the family budget.

Now, the credit of the family depends chiefly on whether that family is living within its income, and this is so of the Nation. If the Nation is living within its income, its credit is good. If in some crisis it lives beyond its income for a year or two, it can usually borrow temporarily on reasonable terms. But if, like the spendthrift, it throws discretion to the winds, is willing to make no sacrifice at all in spending, extends its taxing to the limit of the people's power to pay, and continues to pile up deficits, it is on the road to bankruptcy.

This is not the Senator from West Virginia saying the Government is on the road to bankruptcy; it was President Roosevelt, speaking in Pittsburgh.

I wish to quote further from the President, because I am sure this ought to appeal to the Democrats who wish to stand behind the President. I quote the President further:

Now I am going to disclose to you a definite personal conclusion which I adopted the day after I was nominated in Chicago. Here it is. Before any man enters my Cabinet he must give me a twofold pledge of:

Absolute loyalty to the Democratic platform, and especially to its economy plank.

As I recall, that was to cut down the cost of Government by 25 percent, not 10 percent. I now quote further from the President's statement as to the requirements in the case of Cabinet members:

Complete cooperation with me looking to economy and reorganization in this department.

I regard reduction in Federal spending as one of the most important issues of this campaign. In my opinion it is the most direct and effective contribution that Government can make to business.

I think business needs such a contribution today. The President said further:

In accordance with this fundamental policy it is equally necessary to eliminate from Federal Budget-making during this emergency all new items except such as relate to direct relief of unemployment.

He was going to do away with all new items. Going back to his speech, we find he said:

I do not see how, as a matter of practical sense, a government running behind \$2,000,000,000 annually can consider the anticipation of bonus payment until it has a balanced budget, not only on paper but with a surplus of cash in the treasury.

These are further quotations from the speech of the President in Pittsburgh.

I now quote from his speech accepting the nomination, on the 2d day of July 1932. I am sure many of the Senators who are now running for election ran on the same platform, and this is what the President said when he accepted the nomination:

Just one word or two about taxes, the taxes that all of us pay toward the cost of Government, of all kinds. Well, I know something of taxes. For 3 long years I have been going up and down this country preaching that Government—Federal, State, and local—costs too much. I shall not stop that preaching.

I digress long enough to say that I do not know whether he thinks Federal, State, and local governments cost too much now or not, but I understand the cost is approximately \$17,000,000,000 a year, and the interest on the national debt today is as much as it cost to run our Federal Government in 1916. Of course, the reduction of debt is a fine thing to talk about when you are running for office. However, I am simply standing behind the promises of the President of the United States when he was elected. Will the Democrats stand behind him on this question of economy?

Going back again to what the President said in Chicago, when he flew there to accept the Democratic nomination in 1932, I read:

As an immediate program of action we must abolish useless offices. We must eliminate actual functions of the Government—functions, in fact, that are definitely essential to the continuance of government.

While we discussed the Wheeler amendment we spoke of these functions. What did the President in his acceptance speech in Chicago say we were to do with these functions? He said:

We must eliminate actual functions of the Government—functions, in fact, that are definitely essential to the continuance of government.

Not those which are not essential, but even those essential to the continuance of government the President was going to eliminate. He said further:

We must merge, we must consolidate subdivisions of government, and, like private citizens, give up luxuries which we cannot longer afford.

I propose to you, my friends, and through you—

This is the President speaking—

I propose to you, my friends, and through you, that government of all kinds, big and little, be made solvent and that the example be made by the President of the United States and his Cabinet.

I should like to read that again to the Democrats. It is what was proposed to the people, and I think it is a good proposal, and yet we only want to reduce it by 10 percent—not 25 percent, but 10 percent—by this amendment, I think it is good advice to read again. I think the President gave good advice when he said:

I propose to you, my friends, and through you, that government of all kinds, big and little, be made solvent and that the example be made by the President of the United States and his Cabinet.

I refer again to what he said, that he was going to require the Cabinet members to do. He was going to require of the Cabinet members whom he was going to appoint to do two things:

Absolute loyalty to the Democratic Party, and especially to the economy plank, and, second, complete cooperation with me looking to economy and reorganization in the departments.

So, I say to the Members of the Senate that we should stand behind the President when he said the expenses of government should be reduced, and that the members of his Cabinet should continue to reduce expenses. The present proposal is not to cut expenditures in two, not cut them in quarter, but cut just 10 percent. It is to reduce some of these political parasites off the pay roll, these political parasites whose job is to vote right on election day. Of course, I realize that that is not going to fit in well with those who want to send the employees back home to help in the campaign, but that is not the purpose of the Federal Government. It is not the purpose of government to be required to carry those whose work is entirely political.

Mr. BURKE. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Nebraska?

Mr. HOLT. I am glad to yield to the Senator from Nebraska.

Mr. BURKE. Does the Senator mean to intimate that a 10-percent reduction could be made in the expenditures of the Bituminous Coal Commission without disrupting the work of that Commission?

Mr. HOLT. Reduce the expenditures 10 percent? The expenditures of the Coal Commission could be reduced by 100 percent, and the coal industry would be better off. But a reduction of 10 percent, of course, would mean that my State would lose about 13 persons on the pay roll, who should control 5 votes apiece, or 65 votes, which would be lost to the Democratic Federal machine in the State of West Virginia.

As I said last week, I want to put into the RECORD the list of the pay roll in the Bituminous Coal Commission, whose duties are to enforce coal prices that are not even in force today. I say that we could reduce the personnel of the Federal Government 25 percent and not injure it. We could reduce it by at least that much and we would not get behind the personnel who never did, never will, or never hope to work, except to draw their checks out of the taxes that are assessed against the people. I say to the Senate again, that the best advice that I can give is the President's advice, which I want to read for the third time, because I



hope it will be a charm to the Democrats who want to stand with the President. He said:

I propose to you, my friends, and through you, that government of all kinds, big and little, be made solvent, and that the example be made by the President of the United States and his Cabinet.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. BYRD] on behalf of himself, the Senator from North Carolina [Mr. BAILEY], and the Senator from Nebraska [Mr. BURKE].

Mr. BYRD. Mr. President, I ask unanimous consent to modify the amendment I have offered, in line 4, after the word "expenditures", to insert the words "except the fixed charges."

The PRESIDING OFFICER. The Senator from Virginia has the right to modify his amendment. Without objection, the amendment is modified as requested by the Senator from Virginia.

Mr. BYRD. I ask that the clerk state the amendment as modified.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The LEGISLATIVE CLERK. In line 4 of the amendment, after the word "expenditures", there has been inserted the words "except the fixed charges."

By the amendment, as modified, it is proposed on page 2, after line 15, to insert the following subsection:

(f) To reduce the regular expenditures of the Government for the fiscal year ending June 30, 1940, by an amount not less than 10 percent of the regular expenditures except the fixed charges of the Government for the fiscal year ending June 30, 1939.

Mr. BYRD. Mr. President, the effect of the amendment is merely a declaration on the part of Congress that with respect to the Budget to be prepared for the fiscal year ending June 30, 1940, there shall be a reduction of 10 percent in the regular expenditures of Government, except for the fixed charges. I inserted the words "except for the fixed charges" because I wanted the amendment to conform as nearly as possible to the statement made by the distinguished patron of this bill, the Senator from South Carolina [Mr. BYRNES], when he spoke over the radio a year ago.

References have been made in the Senate to that speech; and, as a member of the Committee on Appropriations, I know that no one connected with the Government is more familiar with its expenditures, with the different Departments, and with the possibilities of savings than is the distinguished Senator from South Carolina. I and many others throughout this country, and many newspapers, gave him very strong applause and support when a year ago he advocated a limitation of 10 percent in the expenditures of the Government, a reduction which he now says, upon investigation, is not possible, because some of the employees of the Government may be dismissed.

Mr. President, during the past 5 years under the Roosevelt administration the number of employees in the city of Washington alone has been doubled. In the city of Washington the Government has more employees today than at any time in its history, not excepting the period when we were fighting the greatest war in which our country was ever engaged. In the past 5 years, either by Executive order of the President or by congressional action upon the recommendation of the President, 50 new agencies of government have been added to the Federal structure. Those 50 new independent agencies constitute a 60-percent increase and represent the contribution the present administration has made to the Federal jungle of bureaucracies in Washington.

Mr. President, the distinguished Senator from South Carolina a year ago, in speaking of the serious condition which confronted the country by reason of the vast expenditures of the Federal Government, said:

There is no question of greater importance to the people of this Nation. The securities representing the \$35,000,000,000 indebtedness of your Government are held by the banks, insurance companies, and investors of this Nation. On June 30, 1936, \$17,270,401,000 of the direct obligations of the Government, bonds, notes, and bills, were held by the banks of the Nation. That is approximately 50 percent of our debt. In addition, the banks held obli-

gations of the H. O. L. C. and other Government corporations, which bonds are guaranteed by the Government, amounting to a little more than a half billion dollars.

If you had \$1,000 to invest—

Said the distinguished Senator from South Carolina—

would you buy United States Government bonds, if you knew the Government owed \$35,000,000,000 and proposed to spend each year more than its income, or would you buy the tax-free bond of a State, county, or city which was living within its income and reducing its debt?

If the time ever comes when banks and investors fail to purchase the bonds of the United States Government, where will the Government secure the funds with which to operate? If there are fewer purchasers, there will be a decrease in the price of our bonds. As more than \$17,000,000,000 of bonds are held by banks, a decrease of five points would mean a loss to the banks of \$850,000,000.

And then the Senator from South Carolina stated—

When the appropriation bills have been passed by Congress they will total \$7,000,000,000. I urge that the Congress, by an amendment to the last appropriation bill considered at this session, provide for a reduction of 10 percent in the appropriations for each Department with the provision that the 10-percent cut should not apply to the so-called fixed charges.

The Senator said further—

The fixed charges, which must be exempted from the cut, would probably amount to one-half of the total appropriations, leaving approximately three and one-half billion dollars to which the cut would be applied and making possible a saving of \$350,000,000. It would not require a reduction in the compensation of employees. It would require dispensing with the services of some unnecessary employees. It would require deferring the construction of some buildings and the purchase of some land. It would inconvenience some officials and disappoint some persons interested in appropriations, but it would help the Government and help the people.

The Senator from South Carolina is not the only man representing the administration who has called attention recently to the necessity for reducing public expenditures. Mr. Morgenthau, Secretary of the Treasury, speaking in New York on November 10, 1937, with what was assumed to be the full authority of the President of the United States, said:

I claim no prophetic insight into the future. But, after giving serious and careful consideration to all of these and other factors, I have reached the firm conviction that the domestic problems which face us today are essentially different from those which faced us 4 years ago. Many measures are required for their solution. One of these measures, but only one, in the present juncture is a determined movement toward a balanced Budget.

Mr. Morgenthau further said:

To attain an ordinary balancing of the Budget next year—that is, a balance after full provision for accruing liabilities for old-age benefit payments, but exclusive of debt retirement—it would be necessary to accomplish a net improvement of about \$700,000,000 in our budgetary position as last estimated.

The Secretary of the Treasury says we should reduce the expenditures of Government by \$700,000,000. This amendment is simply a declaration of policy which, if adopted, could be executed by the President of the United States in the exercise of his duties under this proposed legislation, and would mean a reduction of only \$350,000,000. If it is impossible, as the Senator from South Carolina says, to save \$350,000,000 out of an expenditure of \$8,000,000,000, I say that the country is in a very desperate condition, because there is no hope of collecting sufficient taxation, to balance the Budget unless we reduce Federal expenditures. We are now spending \$8,000,000,000. We are collecting \$6,000,000,000 in taxes—the heaviest and largest collections we have had in any year except one in the history of our Nation.

The Senator from North Carolina [Mr. BAILEY] said that there would be a deficit of \$1,500,000,000 on July 1. I predict, Mr. President, that the deficit will be nearer \$2,000,000,000 on July 1; and I predict that the deficit in 1939, due to the reduction of revenues by reason of the business depression, will approximate three or four billion dollars unless we curtail public spending.

Although one of the main objectives under this bill should be economy and a reduction in expenditures, we are told that no economies and no reductions will result.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. CHAVEZ. If the Senator from Virginia will look on page 1 of the bill, in title I, under the heading "Declaration of Standard," he will find an outline of the purposes of the investigation of the President. On page 2, subsection (a), the language is:

To reduce expenditures to the fullest extent consistent with the efficient operation of the Government.

It seems to me that if we are to carry out the purpose of subsection (a), after an investigation, there is nothing wrong with Congress insisting that we should reduce expenditures by 10 percent. I think the Senate as a whole is well satisfied that there will not be any economy whatsoever, or any reduction in expenditures, if we keep on giving the departments all the money they demand. If we cut them short by 10 percent, they will not spend it. Thus, the purposes of subsection (a) would be carried out, because the result would be more efficient operation of the Government.

The Government bureaus and departments are now so thick that they are on top of one another, and they cannot work efficiently. If we should get rid of 10 percent of them, the rest of them could carry on more efficiently the operations of the Government.

Mr. BYRD. I thank the Senator.

The Senator from South Carolina a short while ago said that the Senator from Virginia was opposed to the abolition of functions. That statement was entirely without justification.

I oppose giving to the President of the United States the right to abolish functions without the action of Congress because functions are the policies of government. Functions are the laws of government. The proposal which first came to us provided that from now until July 1, 1940, the President of the United States could not only abolish functions presently existing but could abolish, modify, and alter any functions that might be created within the period of the next two and a half years. I am sorry the Senator from South Carolina struck out of the bill the provision as to functions, because the functions should have been left in, and the Executive orders should be sent to Congress for ratification or rejection. So if anyone is opposed to abolishing functions, it is the Senator from South Carolina, who offered the amendment, and he will have to take that responsibility. Nothing I have said at any time, upon the floor of the Senate or elsewhere, indicates that I thought many of the functions of the Government as now undertaken should not be reduced or abolished.

The Federal Government today is spending \$14,000 every minute of the day and night, including Sundays. When we are told on the floor of the Senate, by those who are well informed, that there cannot be a reduction of a measly \$350,000,000 out of a total expenditure of \$8,000,000,000, I repeat that the country, insofar as a balanced Budget is concerned, is in a very desperate condition.

My amendment does not affect anything but the regular expenses of government.

In the language of the Senator from South Carolina, in the event this amendment should be adopted and made effective by the President, the expenses of government would be reduced by only \$350,000,000, which is only 4 percent of the total Federal expenditures.

Let us not forget, Mr. President—and I speak seriously of this, because I am a Democrat—that the Democratic Party and practically every Democratic Senator in this body went before the people and made the pledge that should Franklin D. Roosevelt be elected, the expenses of government would be reduced 25 percent. The Senator from Kentucky stated on the floor of the Senate just a little while ago that conditions had changed by March 4, 1933, when the President assumed office. I say that conditions were just as bad in this country in November 1932, when Mr. Roosevelt was elected under this solemn pledge, as they were in March 1933.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

LXXXIII—237

Mr. BARKLEY. Of course, any declaration on the subject in the platform was made in June 1932.

Mr. BYRD. Yes; but the President of the United States did not repudiate the declaration of the party platform. In one of his last speeches prior to his election he gave his solemn pledge to the American people that he would fulfill the obligations of the party platform.

Let us not forget, too, that from March 1933 until July 1933 there was some effort in Congress toward economy. What was it that changed the opinion of the President of the United States in June 1933 and caused him to reverse his policy and embark upon the most reckless spending orgy which this or any other nation in the history of the world has ever known?

The PRESIDING OFFICER (Mr. McGINN in the chair). The time of the Senator from Virginia on the amendment has expired.

Mr. BYRNES. Mr. President, I am very glad my good friends the Senator from Virginia [Mr. BYRD] and the Senator from Nebraska [Mr. BURKE] have been reading my speeches. I am sure they will profit by them, and I am sure they will conclude that they were splendid speeches.

I make this statement for about the third time, because I do not intend to be misrepresented. Therefore, I repeat that I made a speech on the radio, which was printed in the RECORD, with reference to Government expenditures. The Senator has read a considerable part of it. I still stand by the statements made in that speech.

In that speech I stated, among other things, that I intended to offer an amendment to require larger contributions by the sponsors of Works Progress projects, and that at the end of the session I would offer an amendment to an appropriation bill providing for a reduction of 10 percent, excluding fixed charges.

After that time, I repeat, when I looked into the matter, I secured information which others on this floor could have secured as to the detailed expenditures of the Government. I came to the conclusion that it would not be possible to make a reduction of 10 percent in all the appropriations of the Government, even excluding fixed charges, without seriously crippling many activities of the Government.

Mr. BURKE. Mr. President, will the Senator yield at this point for a question?

Mr. BYRNES. Mr. President, I decline to yield. I should like to finish my statement.

Mr. BURKE. Does the Senator decline to yield?

Mr. BYRNES. Yes; I decline to yield just now.

Mr. BURKE. I wish the Senator would bear that in mind the next time he asks me to yield.

Mr. BYRNES. I decline to yield, because every time I have attempted to speak during the consideration of this bill one of the "attorneys" has asked a question, and then another; and by the time I have finished answering "counsel for the complainant" I have had no time for myself.

Mr. BURKE. No one has interrupted speakers more frequently than has the Senator from South Carolina.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. BYRNES. I shall not hereafter ask the Senator to yield.

Mr. President, after the time to which I have referred, when the Appropriations Committee met I stated that I would insist upon my amendment as to matching appropriations—and I did insist upon it—but that I would not urge the amendment to reduce expenditures by 10 percent, because I did not believe it to be practicable at the time. That is all there was to it. I was speaking of an amendment to an appropriation bill. Never at any time did I understand that anybody could bring about a reduction of 10 percent in the appropriations of the Government, excluding fixed charges, by a reorganization bill or in any other way.



The pending bill provides in the first section:

The President shall investigate the organization of the various agencies of the Government and shall determine what changes therein are necessary to accomplish any of the following purposes.

What?

The first purpose is "to reduce expenditures to the fullest extent consistent with the efficient operation of the Government."

Remembering the first words, what changes are necessary in the various agencies of the Government, the Senator from Virginia would have us say, "To reduce the regular expenditures of the Government by an amount not less than 10 percent of the regular expenditures of the Government." That would be \$450,000,000. What changes could the President of the United States make in the agencies of the Government by merging them to bring about a reduction of approximately a half billion dollars? Never at any time have I thought he could do so.

In the speech read by the Senator from Virginia I said that if a reduction of 10 percent in the expenditures of the Government were made, it would have to be made by stopping some public works, by withholding the expenditure of funds for many public purposes which would cause inconvenience and hardship, and that that could not be done. It could not be done, and no man can justify putting into this bill a declaration that the President "shall investigate the organization of the various agencies of the Government" with a view to bringing about a reduction of 10 percent in its regular expenditures.

I oppose the amendment because, to my mind, it would be wrong. It would mislead people if we should induce them to believe that any such reduction could be effectuated.

Senators have referred to the statement made by the President in the campaign of 1932 and to the economy plank in the platform of the Democratic Party. The Democratic Party is being criticized for not making a reduction of 25 percent in the expenditures of the Government. Mr. President, that is not a new charge. In every State, in every county, and in every city in America last year that statement was made by the opponents of the Democratic Party; the issue went to the people of the Nation and, as a result, every State in the Union, with the exception of two, cast its electoral vote for the candidate of the Democratic Party. At least, we have that knowledge before us.

Does anyone believe that the expenditures of the Government can be reduced \$500,000,000 by changing agencies, for fixed charges must be eliminated from the equation, and, eliminating them, there are but \$1,400,000,000 left? If Senators want to say by their votes that the President must cut \$500,000,000 from the total appropriations of \$1,400,000,000 for employees of the Government they mean to indicate that he must discharge one out of every three rural carriers, one out of every three letter carriers, one out of every three employees in the Army, in the War Department, in the Navy Department, and in every other department of the Government.

Would the proponents of the amendment destroy functions? Not under this bill; for under this bill as it stands the President cannot destroy a single function. Functions must be carried on. Yet they would say that their purpose is to have all present functions carried on by one-third of the employees now engaged in the task. It would not be sincere to say that; and if the American people were to be told that was the purpose they would know that it was not possible of accomplishment.

It is all very well for anyone to say it should be done; but if it should be done it should be done in the appropriation bills. Appropriation bill after appropriation bill has come on the floor at the present session, appropriating not only the amounts appropriated last year but increasing the appropriations over those of last year. Has any Senator on this floor moved to reduce them by a single dollar? When appropriations have been reduced they have been reduced by the Appropriations Committee; and in many instances,

when the committee has come on the floor of the Senate with bills providing reductions, the Senate has increased the appropriations and put the amounts back where the House had placed them.

We cannot mislead the people by a declaration of purpose. How idle would it be to say, "our purpose is that the President must so rearrange the departments and agencies as to save a half a billion dollars, but we cannot do a single thing about it." We have passed five or six appropriation bills and have not reduced them one dollar. We are going to pass others, and we will not reduce the appropriations they contain one dollar. Then, when we get through appropriating money, it is proposed to demand that the President reduce the appropriations by half a billion dollars, or by one-third of the total for the personnel of the Government.

I oppose the amendment for another reason. I know that some Senators who are opposed to this bill will not have to defend it, because they will say, "I did not vote for the bill;" but those Members of the Senate who will vote for this bill will have put up to them in 1940 not what a candidate for the Presidency said, but what they themselves said when they voted for this bill. They will be told, "In almost the first line, Mr. Senator, or Mr. Representative, you said the purpose of this bill was to reduce the regular expenditures of the Government by 10 percent." And Senators and Representatives who vote for the bill will be called on to explain why they made that declaration, and why nothing has been done to accomplish a reduction of 10 percent.

Those who are opposed to the bill and who intend to vote against it will not be embarrassed; they will have an answer. They will be able to say, "Not I; I did not vote for the bill; I was against it." But every man who will vote for the bill will be called upon to explain a declaration as to a purpose which was impossible of accomplishment.

It is impossible to discharge one-third of the employees of the Government. The President could not discharge one-third under this bill, because under it he could only rearrange some bureaus and as to those that he did not touch certainly he could not just sign an order and abolish one-third of their employees.

These are my reasons for opposing the amendment.

Now, again I yield to my friend the Senator from Nebraska, and would have yielded sooner except that I wanted to finish my statement.

Mr. BURKE. Mr. President, I do not care to have the Senator yield now or ever, and I hope he will reciprocate.

Mr. BYRNES. The Senator from South Carolina will; he will play the game either way.

Mr. BARKLEY. Mr. President, I wish to say just a word with respect to the pending amendment and the general policy around which the discussion concerning it has proceeded.

Much has been said about the promise of the President as a candidate in 1932 and about the Democratic platform with respect to the plank advocating a reduction of expenditures, and especially with respect to a reduction of 25 percent in expenditures. I was a candidate in 1932; I ran on that platform, and I was just as sincere as I think the President was in his declaration that we ought to make an effort to reduce the regular expenditures of the Government by 25 percent.

One of the first acts of his administration and of the Congress was to carry out or attempt to carry out in good faith the promise we had made in 1932. In an effort to do that, we reduced the annual compensation of nearly everyone in the public service, including ourselves. We voted to reduce our own salaries by 15 percent. I was glad to vote for it, and did vote for it, although it meant a sacrifice, of course, to most of us, unless we had accumulated sufficient money before we got here to make us indifferent to the salary which we draw, and I do not happen to be one of those who is thus independent.

We reduced the compensation of everybody who was drawing compensation from the Government of the United States.

That was one of the first things we did. Subsequently, piece by piece, the Congress restored practically all that we had reduced, and there was no one who made any serious objection to such action.

When we made our platform in June 1932, it could not have been anticipated that almost all the banks of the United States would close their doors before the 4th day of March 1933. We could not have anticipated and did not anticipate that all the governors and all the mayors and all the county officers in America would come to Washington and lay their burdens on the doorstep of the White House and the doorstep of Congress and say they had exhausted their credit and their resources, and that, under their constitutional limitations, they could not borrow any more money nor increase the rate of their taxation. We were forced to make a choice between two horns of a dilemma. We either had to let American men, women, and children, without any fault of their own, go hungry and freeze and starve or we had to take money out of the Treasury of the United States and help support them until better economic conditions could be restored. We did the only thing I think an honorable Congress could do, and that was to meet that obligation. I myself do not regret that I voted to accept the responsibility on the part of the National Government in undertaking to see to it that millions of our citizens were not allowed to suffer because of want and lack of employment.

We could not anticipate all that in June 1932, or even in November. Frequently when men are elected to office and assume responsibility, they find conditions of which they did not dream when on the outside, and they have to be governed by the conditions which they face when they are on the inside and are confronted with responsibility.

But aside from that, assuming that we did wrong, that we made a mistake, the American people passed on that question in 1936, because it was made an issue in the campaign; and by an overwhelming majority in 1936 they approved what we had done.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Virginia.

Mr. BYRD. I call the attention of the Senator to the Democratic platform of 1936, which says:

We are determined to reduce the expenses of Government.

That is what we promised the American people in 1936 that we would do, and that is what the American people endorsed.

Mr. BARKLEY. That is not all the Democratic platform said in 1936. We were determined to reduce governmental expenses insofar as we might do so consistently with our obligations as a Nation to the people of the United States.

Mr. BYRD. When the Senator speaks about the endorsement which was given the Democratic ticket, he ought to call attention to the fact that the platform of 1936 likewise called for a reduction of expenditures.

Mr. BARKLEY. The Senator from Virginia has stated in the press that the passage of this bill will freeze the annual expenditures of the American Government in the sum of \$8,000,000,000.

Mr. BYRD. The Senator from Virginia firmly believes it, too, and calls upon the future to demonstrate whether or not he is correct.

Mr. BARKLEY. I have no doubt the Senator believes that, because I should be the last man in this Chamber to accuse the Senator from Virginia of insincerity, or a lack of belief in anything he states. I am sure I am not guilty of any expression of doubt regarding the Senator's sincerity, however, when I say I do not agree with him; and I do not see how any man can contend that the mere passage of a bill authorizing the President to transfer, consolidate and coordinate and even to abolish agencies without abolishing their functions can freeze the annual expenses of our Government to any sum whatever, whether it is \$8,000,000,000 or \$4,000,000,000.

Mr. BYRD. The Senator overlooks the fact that two new departments are created, and many of the emergency functions of the Government are incorporated in the Department of Public Welfare.

Mr. BARKLEY. Only one new department is created in the bill, although two were suggested in the beginning. Only one is created in the pending bill; and if the President succeeds in allocating the floating agencies and activities which are somewhat like the tramp ships that float all over the seas without any particular schedule, if he is successful in allocating to any new department the 136 activities which are now in no department at all, there will be all the work that can be done by any one department that is not now in existence; and I will say to the Senator that it will not mean any increase in expenses.

Mr. BYRD. In addition to the Department of Public Welfare, the National Resources Planning Board, with vast possibilities of spending, is created.

Mr. BARKLEY. That Board already exists. The bill merely makes it permanent. The Board has no power to do anything except to investigate and make reports to the President; and unless the President should make recommendations in accordance with the reports of the Board there is no expenditure involved in that respect that would freeze the annual expenses of the Government to \$8,000,000,000.

We have boundless resources in this country. We have untouched natural wealth; and I see no objection to setting up a board of some kind to survey our resources as a nation and to make reports upon them to the President. Then, if he should see fit to recommend action on the part of Congress, it would be up to Congress to determine whether or not it should act upon those recommendations.

I agree with the Senator from South Carolina [Mr. BYRNES] that in the present session we have already passed about one-half of the appropriation bills for the fiscal year beginning next July, and no Senator has undertaken by any amendment to reduce, horizontally and arbitrarily, the amount of those appropriations by 10 percent. The pending amendment instructs the President or somebody to reduce them by 10 percent. They cannot be reduced by 10 percent without reducing every salary in the regular establishment by at least 10 percent; and if we desired to reduce by 10 percent the salaries of clerks and charwomen and janitors and stenographers and heads of bureaus, why did we not have the courage and the good faith to do it when we had under consideration the appropriation bills which fixed their salaries, and which provided for the expenditures for the next year?

Mr. BYRD. The Senator overlooks the fact that the salaries are only 20 percent of the total expenditures of the Government.

Mr. BARKLEY. I understand that the salaries are only 20 percent of the total expenditures; but they are 20 percent, which is one-fifth, and in order to bring about a 10-percent reduction it would be necessary to reduce salaries.

Mr. BYRD. Why does the Senator say that all the reduction must fall upon the salaries? Why not cut out some of the waste and inefficiency which exist?

Mr. BARKLEY. I did not say it would all come out of salaries; but it will have to come out of salaries in the same proportion that it comes out of expenditures. A reduction of 10 percent cannot be made without reducing somebody's salary; and the expenditures of the Government for salaries, even though they aggregate only one-fifth of the total, would have to be considered in a 10-percent horizontal reduction. The Senator does not provide in the amendment that salaries are to remain as they are. He does not provide in the amendment that the 10-percent reduction shall not touch the salaries of employees. The Senator's amendment compels the Government to reduce the general expenditures by 10 percent; and the general expenditures are made up of salaries and all other items that go into the general expenditures, exclusive of the emergency expenditures.

Mr. BYRD. In view of the fact that there are twice as many employees in Washington city as there were 5 years ago, does the Senator think we could eliminate some of the employees?

Mr. BARKLEY. I think probably we could; but I should want to make a detailed investigation in each department



before I decided which ones could be eliminated. If the Senator from Virginia thought the number of employees ought to be reduced, he ought to have offered his amendment and made his effort on the appropriation bills, when we were fixing the amount of money to be spent in the various departments and not in a reorganization bill which has nothing directly to do with expenditures.

Mr. BYRD. The first objective of a reorganization should be economy.

Mr. BARKLEY. I will say that one of the objectives of reorganization should be economy. It is a question whether the first objective ought to be economy or efficiency. I hope both of them may be accomplished. It is a matter of opinion whether efficiency or economy should come first.

I think there is room for both. If the President is authorized, and in good faith carries out the authorization, to consolidate and reorganize and transfer and reallocate and coordinate the various departments and bureaus of the Government service, I think automatically there will be economy; but even if there is no economy, there certainly will be efficiency.

Mr. BYRNES. Mr. President—

Mr. BARKLEY. I yield to the Senator from South Carolina.

Mr. BYRNES. In a bill providing solely for merging agencies, can any reduction in expenditures be made out of anything other than personnel?

Mr. BARKLEY. No.

Mr. BYRNES. Expenditures for materials cannot be reduced, can they?

Mr. BARKLEY. Of course not; especially when Congress has already said, by separate appropriation bills which have already been passed and signed by the President, that for the next fiscal year so much money shall be available for expenditure. If later, in a reorganization bill, we say that all expenditures must be reduced by 10 percent, I think the burden of that reduction would fall upon the personnel and not upon any other expenditures.

Mr. BYRD. Mr. President, I am sure the Senator does not want to misstate my amendment.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Virginia?

Mr. BARKLEY. I yield.

Mr. BYRD. The amendment provides that all the regular expenditures shall be reduced except the fixed appropriations.

Mr. BARKLEY. No; the Senator has not such a provision in the amendment. I have the Senator's amendment before me.

Mr. BYRD. Read it.

Mr. BARKLEY. One of the things the President is authorized and directed to do is—

To reduce the regular expenditures of the Government for the fiscal year ending June 30, 1940, by an amount not less than 10 percent of the regular expenditures of the Government for the fiscal year ending June 30, 1939.

There is no exemption or exception there; and "the regular expenditures" means the expenditures of all the regular establishments.

Mr. BYRD. That means about four and a half billion dollars. In the absence of the Senator from Kentucky the amendment was modified to exclude fixed expenditures. If the Senator from South Carolina was correct in his radio speech, it would mean a reduction of about \$350,000,000 out of the \$8,000,000,000 of Government expenditures.

Mr. BARKLEY. I raise the question whether by any language or any amendment we can authorize the President to reduce horizontally the expenditures of all the departments. He cannot reduce by 10 percent or any other percentage the expenditures of one department or one agency or one activity without doing a rank injustice to that department or agency or activity. He must do it all along down the line, or he must show favoritism to one department as compared to another.

Mr. BYRD. Mr. President, we must assume that in the present organization of the Government there are many overlapping functions, overlapping activities, and duplicated efforts. One of the purposes of reorganization is to eliminate

those things, and in eliminating them there should be vast savings.

Mr. BARKLEY. I agree with the Senator; but I do not think anybody now can dogmatically say how much, or how much of a percentage, of the annual expenditures we may be able to save by the elimination of duplication and overlapping and unnecessary activities which are being engaged in by four or five departments at the same time.

Mr. BYRD. Does the Senator agree with the President's statement that not more than \$30,000,000 can be saved by this proposed reorganization?

Mr. BARKLEY. I do not disagree with him, nor do I agree with him. I do not know whether or not the President was right about the matter. I do not know whether or not the President said that.

Mr. BYRD. The President said that in a press interview, and it was published in the newspapers.

Mr. BARKLEY. Well, suppose he did say it: What of it?

Mr. BYRD. It seems to me there is not going to be any economy.

Mr. BARKLEY. There will be all the economy that is possible as a result of the elimination of duplication, and so forth, but I imagine the President meant by what he said that he would not undertake to bring about economy merely at the expense of efficiency of the Government of the United States, which is instituted to serve the American people. I am satisfied that if the President could save more than \$30,000,000, he would be glad to do it.

Mr. ADAMS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. Austin in the chair). The time of the Senator from Kentucky has expired.

Mr. BARKLEY. I should be glad to yield, but I am advised that my time has expired.

Mr. ADAMS. Mr. President, in my own time may I ask the Senator from Kentucky a question?

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BARKLEY. I yield to the Senator out of his own time. [Laughter.]

Mr. ADAMS. I thank the Senator. I will say that he is no less generous than usual. [Laughter.]

I desire to have the mathematics of this matter straightened out. I did not pay the attention that I should have, but I understood the Senator from South Carolina [Mr. BYRNES] to say that the regular expenditures of the Government amount to \$1,400,000,000, and that the saving which would be required to meet the expectations would be some \$500,000,000, so that it would require the cutting down of one-third. As I have read the amendment since then, it seems to me I probably did not understand it correctly at first. That is, as I now read the amendment, the proposed saving is 10 percent of the regular expenditures, whatever the regular expenditures may be. If they should amount to \$1,400,000,000 the reduction would be \$140,000,000.

Mr. BYRNES. Mr. President, I understand that any interruption will come out of the time of the Senator from Colorado.

Mr. ADAMS. This is my time.

Mr. BYRNES. If the Senator desires me to answer his question I will do so. What I said was that there is no such term as "regular expenditures" in the Budget. There is a classification "regular operating expenditures."

Mr. ADAMS. Mr. President, if I may interrupt just there, in the proposed amendment the term "regular expenditures" is used twice, that is, it begins, "To reduce the regular expenditures," whatever that may mean, and then we find the phrase "by an amount not less than 10 percent of the regular expenditures." In other words, we arrive at whatever may be meant by "regular expenditures," and I had inferred that the Senator from South Carolina had figured that perhaps the ordinary expenses were \$1,400,000,000, and 10 percent of that would be \$140,000,000, and not \$500,000,000.

Mr. BYRNES. Mr. President, I rose because I think the Senator is under a misapprehension. "Regular operating expenses," which is a term from the Budget—and I assumed

the amendment had reference to that—amount to \$4,472,000,000. My statement was based upon the fact that in the \$4,472,000,000 there are funds for veterans' pensions, hospitalization, national defense, and the public debt, which manifestly cannot be touched. So it boils itself down to this, that when we are merely changing bureaus and organizations nothing but personnel will be affected, and the personnel cost was the figure which the Senator heard me refer to as amounting to \$1,474,000,000. That is the personnel expenditures. In the regular operating expenditures \$1,474,000,000 is for personnel. The remainder is for supplies, and so forth.

Mr. ADAMS. Mr. President, my inquiry is solely to clear up the matter in my own mind.

Mr. BYRNES. That is what I understood.

Mr. ADAMS. The Senator would not think that the proposal here for a reduction of 10 percent could apply to the Navy, to Public Works, to the purchase of material, or to anything else like that? He limits it to personnel, as he understands the effect of it.

Mr. BYRNES. Because it says "10 percent of the regular operating expenditures," which, construed literally, would of course apply to that. If offered to an appropriation bill, that would be the only construction that we could place upon it, but when it is offered to the pending bill, merely as a purpose to be accomplished by the measure—and the bill does not give any power to abolish any public works, or reduce pensions, or anything like that—then all it could possibly have any relevancy to is the changing of bureaus, and nothing in the bureaus could be changed except personnel, and merely as a matter of mathematics, it means that only one and a half billion dollars for personnel could be affected, because in the bill there is no power to affect anything else. There is no power under the bill to affect, for instance, national defense, or hospitalization, or veterans' pensions. Therefore, none of those things could be affected by the amendment. If it were an amendment to an appropriation bill, the situation would be entirely different.

Mr. ADAMS. The Senator will see what is disturbing me. The Senate a day or two ago entered, as it were, an adjudication of incompetency, so far as we were concerned, and asked for the appointment of a conservator, as I understood; that is, the argument the other day against the Wheeler amendment was that we were not competent, and that therefore we asked that there should be a conservator appointed for us. I voted against that, of course. I rather thought we were competent, but I have acquiesced in the decision which the Senate made as to its incompetency, and I wanted to understand this, thinking perhaps that we could do more than appeared on the face of the paper.

Mr. BYRNES. Mr. President, my contention is that under the bill we could not touch anything but personnel.

Mr. BYRD. Mr. President, will the Senator from Colorado yield?

Mr. ADAMS. I yield.

Mr. BYRD. As I was the author of the amendment, and the Senator from South Carolina seems to be interpreting it, I should like to explain exactly what the amendment means.

We have a double budget system in this country, a two-budget system. We have one Treasury and a two-budget system. One is for the regular expenses and one for the emergency expenses.

There has been a clear definition of regular expenses and emergency expenses since 1934. The amendment offered by me, as modified, provides that the President of the United States, under the reorganization powers conferred on him by the bill, shall reduce the regular expenses of Government by 10 percent, excepting as to the fixed charges.

Mr. BARKLEY. Mr. President, will the Senator from Colorado yield to me to ask the Senator from Virginia a question?

Mr. ADAMS. I am glad to yield.

Mr. BARKLEY. What is the definition of fixed charges of the Government? We cannot say what the fixed charges of Government are as we can as to the fixed charges of a

business, because the fixed charges may be whatever money Congress appropriates. They are fixed at least for the year.

Mr. BYRD. The interest charge, which amounts to about a billion dollars yearly, is one of the main items of fixed charges. If the amendment should become operative it would bring about a reduction of about \$340,000,000 out of a total expenditure of \$8,000,000,000.

Mr. BARKLEY. If the fixed charges, whatever that term means, are excepted, everything else besides fixed charges would be included in the reduction of 10 percent, and that would include personnel.

Mr. BYRNES. Does not the term "fixed charges" include the amounts to be set aside for the reduction of the public debt, principal as well as interest?

Mr. BYRD. We have abolished the statutory debt requirement, so there is no use doing anything about that. We are adding to the public debt every day.

The amendment provides merely that after deducting the fixed charges the remaining regular expenses shall be reduced 10 percent; and it is not confined to personnel, as the Senator from South Carolina says. It can be accomplished by consolidations, by mergings, by eliminating overlapping activities and duplicated efforts, by discharging unnecessary employees, and in many other ways.

Mr. POPE. Mr. President, will the Senator from Colorado yield to me?

Mr. ADAMS. I am glad to yield.

Mr. POPE. I should like to ask the Senator from Colorado or the Senator from Virginia whether according to his understanding fixed charges means only the interest and the payments on the public debt. Would it not include pensions paid to veterans who are entitled to them?

Mr. ADAMS. I personally am not going to get into a discussion of accounting terms, so I will have to ask the Senator from Virginia to answer the question.

Mr. POPE. Did the Senator from Virginia say that his interpretation of fixed charges in the modification of his amendment applies only to interest and payments on the public debt?

Mr. BYRD. The Senator from Virginia did not say that. He said the largest fixed charge was the interest. If there is a statutory contract with anyone, with respect to a pension or anything else, that would be a fixed charge. Congress, of course, can only reduce pensions or wages of Federal employees. This amendment does not give the President such power.

Mr. MALONEY. Mr. President, will the Senator from Colorado yield to permit me to ask the Senator from Virginia a question?

Mr. ADAMS. Gladly.

Mr. MALONEY. Perhaps I should not be asking this question, since I was out of the Chamber and did not hear all the discussion, but I should like to have the Senator from Virginia clear up one matter for me and perhaps for other Senators. I have in mind the other economy bill we considered, and I should like to know whether or not the 10-percent cut would affect veterans and the salaries of employees of the Government?

Mr. BYRD. Mr. President, the amendment provides that after deducting the fixed charges, whatever they may be, in the reorganization by the elimination mainly of overlapping activities, duplicated efforts and the waste from inefficiency, which now exist, the total expenses of the Government shall be reduced about \$320,000,000 out of a total of \$8,000,000,000. I think that every dollar of that can be saved by economy and by avoiding the duplications which now exist, and other things of that kind. I have introduced a bill, though I have not been able to secure any consideration of it, providing for the consolidation of the Home Owners' Loan Corporation and the Federal Housing Administration, and I am advised by experts that the enactment of that bill alone would save \$25,000,000.

Mr. MALONEY. I would be in favor of such a consolidation; but I must ask the Senator to be more elementary with me. I am in sympathy with what the Senator is trying to do, but, mindful of our earlier experience in the cutting of veterans' compensation and the cutting of the salaries of low-paid



Federal employees, I want to be definitely sure that in my desire to support the amendment I do not do something for which I would blush for the remainder of my life. Will the Senator be definitely elementary about it and say whether or not we could protect veterans' compensation and the salaries of Federal employees if we voted for the amendment?

Mr. BYRD. In regard to the veterans' compensation, if that should be regarded as in any way a contract with the veterans and be classed as a fixed charge, of course their compensation could not be touched under the proposal, because I modified the amendment so as to exempt the fixed charges. So far as the employees of the Government are concerned, the President is not given direct power to reduce salaries, but Congress could, of course, do so in the appropriation bills.

The purpose of the amendment is to effect economies by eliminating waste and extravagance, duplications, and unnecessary bureaus.

Mr. MALONEY. I am sorry to say, then, that I cannot support the amendment, as much as I should like to do so.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Virginia [Mr. BYRD] on behalf of himself, the Senator from North Carolina [Mr. BAILEY], and the Senator from Nebraska [Mr. BURKE].

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Calif.	O'Mahoney
Andrews	Copeland	Johnson, Colo.	Overton
Austin	Dieterich	King	Pittman
Bailey	Donahay	La Follette	Pope
Bankhead	Duffy	Lee	Radcliffe
Barkley	Ellender	Lodge	Reames
Berry	Frazier	Logan	Reynolds
Bilbo	Gerry	Loneragan	Schwartz
Bone	Gibson	Lundeen	Schwellenbach
Borah	Gillette	McAdoo	Sheppard
Bridges	Glass	McCarran	Smathers
Brown, Mich.	Green	McGill	Smith
Brown, N. H.	Guffey	McKellar	Thomas, Okla.
Bulkeley	Hale	McNary	Thomas, Utah
Bulow	Harrison	Maloney	Townsend
Burke	Hatch	Miller	Tydings
Byrd	Hayden	Milton	Vandenberg
Byrnes	Herring	Minton	Wagner
Capper	Hill	Murray	Walsh
Caraway	Hitchcock	Neely	Wheeler
Chavez	Holt	Norris	
Clark	Hughes	Nye	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment, as modified, offered by the Senator from Virginia [Mr. BYRD] on behalf of himself, the Senator from North Carolina [Mr. BAILEY], and the Senator from Nebraska [Mr. BURKE].

The amendment proposes, on page 2, after line 15, to insert the following:

(f) To reduce the regular expenditures of the Government for the fiscal year ending June 30, 1940, by an amount not less than 10 percent of the regular expenditures, except the fixed charges, of the Government, for the fiscal year ending June 30, 1939.

Mr. McNARY. On the amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Minnesota [Mr. SHIPSTEAD], who is necessarily absent. Not knowing how he would vote, I shall have to withhold my vote. Were I at liberty to vote, I should vote "yea."

Mr. LOGAN (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. DAVIS], who is absent. If he were present, he would vote "yea" on this question. I transfer that pair to the junior Senator from Missouri [Mr. TRUMAN], and will vote. I vote "nay."

Mr. WAGNER (when his name was called). Upon this vote I am paired with the senior Senator from Indiana [Mr. VAN NUYS]. If he were present and at liberty to vote, he

would vote "yea." If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. HALE. My colleague [Mr. WHITE] is paired on this vote with the junior Senator from Florida [Mr. PEPPER]. If present and at liberty to vote, my colleague would vote "yea"; and I understand the Senator from Florida, if present, would vote "nay."

Mr. MINTON. I announce that the senior Senator from Georgia [Mr. GEORGE] has a general pair with the senior Senator from Illinois [Mr. LEWIS]. I am not advised how either Senator would vote if present.

I also announce that the Senator from Arizona [Mr. ASHURST], the Senator from Georgia [Mr. GEORGE], the Senator from Illinois [Mr. LEWIS], the Senator from Florida [Mr. PEPPER], the Senator from Georgia [Mr. RUSSELL], the Senator from Missouri [Mr. TRUMAN], the Senator from Indiana [Mr. VAN NUYS], and the Senator from New York [Mr. WAGNER] are detained on important public business.

The result was announced—yeas 28, nays 56, as follows:

#### YEAS—28

Austin	Byrd	Gerry	Lundeen
Bailey	Capper	Gibson	McNary
Borah	Chavez	Hale	Miller
Bridges	Clark	Holt	Townsend
Brown, Mich.	Copeland	Johnson, Calif.	Vandenberg
Bulow	Donahay	King	Walsh
Burke	Frazier	Lodge	Wheeler

#### NAYS—56

Adams	Ellender	Logan	Overton
Andrews	Gillette	Loneragan	Pittman
Bankhead	Green	McAdoo	Pope
Barkley	Guffey	McCarran	Radcliffe
Berry	Harrison	McGill	Reames
Bilbo	Hatch	McKellar	Reynolds
Bone	Hayden	Maloney	Schwartz
Brown, N. H.	Herring	Milton	Schwellenbach
Bulkeley	Hill	Minton	Sheppard
Byrnes	Hitchcock	Murray	Smathers
Caraway	Hughes	Neely	Smith
Connally	Johnson, Colo.	Norris	Thomas, Okla.
Dieterich	La Follette	Nye	Thomas, Utah
Duffy	Lee	O'Mahoney	Tydings

#### NOT VOTING—12

Ashurst	Glass	Russell	Van Nuys
Davis	Lewis	Shipstead	Wagner
George	Pepper	Truman	White

So the amendment, as modified, offered by Mr. BYRD on behalf of himself, Mr. BAILEY, and Mr. BURKE was rejected.

The PRESIDING OFFICER. The bill is still before the Senate and open to further amendment.

Mr. PITTMAN. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Nevada.

The CHIEF CLERK. On page 4, line 12, after the word "act", it is proposed to substitute a semicolon for the period and to insert immediately thereafter the following:

or to abolish or transfer the Forest Service from the Department of Agriculture to any other executive department or to abolish or transfer to any other agency or Department any of the functions exercised by the Forest Service.

Mr. PITTMAN. Mr. President, the amendment which I have offered comes under the group of exceptions which commences on page 3, in line 12, with the words:

Nothing in subsection (a) shall be construed to authorize the President—

Then there are several exceptions. There are exemptions in favor of the Federal Reserve System, the general auditing office, the Engineer Corps of the Army, and the Mississippi River Commission. I had occasion to discuss this question on last Wednesday. Therefore I do not propose to go into any long discussion of it at this time.

I do not know whether or not the President has in mind the transfer of the Forest Service from the Department of Agriculture. I am inclined to believe that he does not have any intention to transfer the Forest Service from the Department of Agriculture. However, I believe that at the present time he feels that grazing should be in charge of one department. I thoroughly concur in that view. It is impracticable to have the summer grazing area, which is in the high

mountains, in charge of the Agricultural Department and to have the lands in the valleys, which are the winter-grazing areas, in charge of another department. The question is, Which department should have control over grazing?

I have already stated that during a period of nearly 50 years the Forest Service has perfected the administration of grazing on the forest reserves in such a way that aid is lent to the raising of livestock without injury to the forest reserves.

On the other hand, the forests can be so grazed as to destroy the forest growth on the reserves. Before the establishment of control over the forest reserves tremendous areas were destroyed by overgrazing. For 10 years after the Forest Service was established there was a constant battle between those in charge of the forest reserves and the stock raisers of the West. Those difficulties have been settled. The stock raisers are just as anxious as is the Federal Government to preserve the forest reserves and the forests on the forest reserves. The stock raisers are in perfect harmony with the control by the Forest Service. It would be a calamity to the Government and to the stock-raising industry if the organization which has been perfected were disrupted by the transfer of the grazing functions to another department of the Government.

On last Friday I placed in the RECORD eight resolutions protesting against the transfer of the grazing functions from the Forest Service, in the Department of Agriculture, to any other department. I also placed in the RECORD a list of 200 additional organizations which have filed similar resolutions. At this time I should like to read a few of those resolutions.

The National Farm Conference, which was held in Washington on February 9, 1937, was the largest agricultural conference ever held in the United States. Every farm organization in the United States was represented. The names of the organizations represented appear after the resolution which was adopted by the National Farm Conference. I read the resolution:

That the existing program of the Federal Government be enlarged and expanded, wherein the submarginal lands of the country would be brought back into the public domain, and that the utilization of such submarginal lands so withdrawn be directed in such manner as to restore natural resources, minimize the dangers of floods, control erosion, and provide additional national parks, forests, and wildlife refuges. Such a program should be extended over a substantial number of years so that the local tax system would not be unduly disturbed and wherein the families now living on such lands could gradually move to better land offering greater opportunities. We further insist that forestry, conservation, and all land-use problems be retained in the Department of Agriculture which alone makes possible a continued and integrated program.

The American Farm Bureau Federation, in its convention at Chicago on December 15, 1937, had this to say:

We favor such reorganization of the departments of Government as are needed for economy and efficiency of administration; but we will resist any proposed reorganization of departments of Federal Government which will take from, divide, or duplicate functions properly within the jurisdiction of the Department of Agriculture. In any such reorganization, Federal boards heretofore created by acts of Congress and responsible to the Congress and wherein their maximum efficiency and public service require independent action, should have their respective fields of independent action maintained and safeguarded.

The National Grange, at its convention in Harrisburg, Pa., adopted a resolution on November 18, 1937. I shall not read the entire resolution. I shall read the part dealing with this amendment:

*Resolved*, That we consider it unwise and wholly unjustified to transfer the Plant, Soil, and Water Conservation Services in the Department of Agriculture to other departments; we believe the public welfare will best be served by these being retained in the Department of Agriculture, where they now are.

The General Federation of Women's Clubs, at the final business session of the midwinter board meeting held in Washington, D. C., on Saturday, January 15, 1938, went on record as opposing the provisions of Senate bill 2970, which bear upon the Federal Government in relation to conservation of natural resources, which are:

(1) Renaming Department of the Interior Department of Conservation; (2) transfer of the Forest Service, Biological Survey, or

Soil Conservation Service from the Department of Agriculture; (3) removal from classified civil service of any office or position which is policy determining in character.

There are 200 resolutions of a similar nature. The names of those offering the resolutions were printed in the RECORD of last Friday. I may say that every farm organization in my State of Nevada has adopted a similar resolution.

I do not feel that I would be performing my duty if I did not do all in my power to safeguard against the possible transfer of any of the functions of the Forest Service to any other department of the Government.

It has been intimated here that the President has no intention of bringing about such a transfer. If he has no such intention, then this amendment will not impede him in any way whatsoever. It has been intimated by others, however, that, while he has stated that he has no intention of transferring the Forest Service to any other department or agency, he is considering transferring some of the functions of the Forest Service to another department. That can mean nothing except grazing. It is totally illogical to place grazing in one department while another department is held responsible for the growth of timber and plant life, forests, the conservation of watersheds, and the conservation of water. It could not be done. We well know that before the creation of the Forest Service overgrazing destroyed many square miles of splendid forest. We know that that can happen again if this particular function is placed in the hands of men who do not understand it. We have a Service today that does understand it. Those connected with that Service have studied it for years. It took them 10 years to learn it. There was constant disagreement over the forest reserves for 10 years. There has been nothing but harmony for probably the last 25 or 40 years. Today the stockmen are just as much interested as is the Government in the preservation of the forests and in the preservation of the forage in the forests. They know that it is to their interest to preserve the forests, and they know that the men who now have charge of it are practical men with whom they can agree.

I say to the Senate that there is a danger that, while the President of the United States may feel, as I feel, that grazing should be controlled by one department, he may also feel that, because the Secretary of the Interior has charge of grazing on the public lands, constituting an area four times as great as that embraced in the forest reserves, therefore he should have jurisdiction of the other one-fourth. But let us remember that the grazing on the forest reserves is 10 times more valuable to the stockmen than is the grazing on the public lands in the valleys.

The snows in the mountains and the springs in the mountains produce the fine forage for the spring and the summer and the fall, while down in the dry valley there is only sufficient forage to afford a bare sustenance to the cattle during the winter. When the spring comes the stock move up into the high mountains and remain there during the spring and the summer until October. They come down fat from the mountains; they are shipped to market, while the cattle that it is desired to retain are moved down into the valleys, where they can obtain a bare subsistence.

That is the interest of the stockmen. The interest of the Government is to prevent overgrazing. The Forest Service knows that subject. They have learned it during many years. They have a magnificent organization. It has grown up through promotion over a period of 40 years. In reality today the Forest Service is as independent as is the Federal Trade Commission. No Secretary of Agriculture for many years has dared to interfere with this organization because of the realization that the organization knows the business. But I say to the Senate, knowing the Secretary of the Interior as I do know him, knowing him to be a very stubborn, hard-headed man, knowing him to be a man who feels that he understands every problem on earth and that experience means nothing—and I am not saying this offensively with regard to him—it becomes absolutely necessary to understand that the Forest Service would be disorganized inside a few months after he had charge of grazing if it were ever turned over to him. During the time that he has had charge of grazing on the public domain outside the forest reserves



he has had his manager and the Chief Forester in constant trouble by reason of orders emanating from Washington while his manager was in the field attempting to organize the Service.

I do not think that this is of any less importance than is the Board of Engineers of the Army or the Mississippi River Commission. I think, as a matter of fact, it is of more importance to preserve this organization than it is to preserve the Board of Engineers, which has charge of all rivers and harbors, or the Mississippi River Commission; but, be that as it may, the proponents of this bill have recognized that the functions of those boards should not be disturbed.

The PRESIDING OFFICER. The time of the Senator from Nevada on the amendment has expired.

Mr. PITTMAN. I submit the amendment.

Mr. BORAH. I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 4, after line 12, after the word "act", it is proposed to strike out the period and insert a semicolon and the following words:

Or to abolish or transfer the Forest Service from the Department of Agriculture to any other executive department, or to abolish or transfer to any other agency or department, any of the functions exercised by the Forest Service.

Mr. BORAH. Mr. President, I earnestly urge the favorable consideration of this amendment. I regret to have to deal with this matter separately, but it is of such moment that I move that objection. Since the debate opened some days ago, I have had the most conclusive reasons, from my viewpoint, to believe that the urge for the transfer of the Forest Service to the Interior Department will continue. The movement is organized and it is determined. In addition to organization and determination, there is a belief in very high places that such a transfer ought to be made. As a Senator, I have no statement or assurance as against that constant urge on the part of this organized movement that the action proposed will not be taken. A statement has been made here to the effect that there have been assurances from certain sources, but we know not whence they come nor who gave them or whether those giving them have done so in such a way that, if we could know the language used, the assurances would be satisfactory to anyone who is deeply interested in this question.

This is a matter of very great concern to the entire West, and not only to the West but to all who are interested in the Forest Service. I cannot understand why if it be true, as intimated, that there is no intention of transferring the Forest Service, a prohibitory provision should not be written into the law. Then the people of the country who have to deal with this matter would know upon what they could depend. But what do the men who are using the forests and who must make their arrangements and calculate ahead know about some personal assurance from somebody that a transfer is not going to be made? How can they rely upon such a statement? Should we legislate and make laws for the people upon the oral statement of someone we do not know that a certain action is not going to be taken? The fact is that when this bill shall have passed we shall have conferred the absolute authority to effectuate such a transfer; we, as Senators, will have granted the authority; the authority will be there; and we have the further knowledge that the determination to bring about the result which is feared has been organized in this Capital for the last 2 years.

What can a Member of the Senate say to his constituents? All he can say is that somebody said that somebody, we do not know who, said that he did not think it was going to be done or that it was not going to be done. A town council would not legislate on such a basis; a political caucus would not act in such a manner. Yet we are proposing to turn over to the mercy of the misunderstanding of words or to the mercy of the misconstruction of words, or possibly to no words, the vast interests of the West in this great subject.

Do not forget, Mr. President, that this is not a mere matter of administrator or of executive action. This is a matter of policy; and the only body in the United States which can determine the question of policy properly is the Congress of the United States. It is a question of policy as to whether this institution, the Forest Service, shall be attached to one department or another. It is not a mere matter of executive or administrative action.

I urge that we seriously consider the great importance of this matter to the people throughout the West. What possible harm can come from writing this provision into the bill? On the other hand, we may contemplate the possibility of vast harm if it does not go into the bill, because we do not know what will happen. We can make it certain in the minds of the people throughout the West that this Service, which is safe now, shall not be disturbed in its plans.

Mr. BURKE. Mr. President, it seems to me imperative that the pending amendment be adopted. Because of the rejection of certain amendments already offered I myself do not intend to vote for the bill; but I cannot understand how any of those in the Chamber who expect to support the bill can do so without the inclusion in it of the pending amendment.

It is true that we have been told on the floor of the Senate that the statement has been made, the assurance given, or the present intention expressed, that the Forest Service is not to be subject to transfer; but, as already pointed out, there is nothing at all in those statements upon which any Senator would be entitled to rely.

In the first place, no one has even intimated that that assurance has come from the only source from which an assurance would be worth the breath which uttered it. The Secretary of the Interior may say now that he has abandoned the idea, long and strongly held by him, of taking over the Forest Service. In the final analysis, however, the Secretary of the Interior has nothing to say about it. His definite assurance, in language which could not be misunderstood, would mean nothing, because whether he wanted the Forest Service transferred to him or was opposed to it would not of necessity make the slightest difference in the matter.

The Secretary of Agriculture says he is now reconciled to the passage of this measure; that he feels that this important agency of the Government, now in his keeping, would not be endangered. But again I ask, What difference does it make what the views of the Secretary of Agriculture may be on this subject, or what assurances he may have given? The only person who could give any assurance that would be worth listening to is the President; because by this measure, if it is passed, Congress will place in his sole keeping, subject to his will, and his will only, the determination of the question whether this transfer shall be made.

I do not ask and I think no one could ask the President of the United States to say at this time that he has no present intention of transferring the Forest Service, or to go further and say that at no time between now and July 1, 1940, will he transfer the Service. I think it would be contrary to the very spirit of this legislation for us to expect the President of the United States to make any such statement. If we pass the measure, having exempted the Engineer Corps of the Army and the Mississippi River Commission, and having exempted those two Services only, the President must of necessity interpret our action to mean that so far as all the rest of the Government agencies are concerned, he is to decide the day after the measure passes, 6 months thereafter, a year thereafter, or at any time up to July 1, 1940, whether in the best interests of the Government this, that, or some other transfer should be made. Of course, even the President could not in fairness bind himself now by a statement that he would go beyond the expressed will of Congress and would never consider making any certain transfer.

So I say, Mr. President, it seems to me absolutely imperative on the part of those who are now considering voting for the passage of this measure that the pending amend-

ment should be included in it. I will say frankly that all through the part of the country from which I come there is unanimity of opinion that we must not endanger the Forest Service by subjecting it to the possibility that at some time it may be torn loose from its present moorings and placed in some other department.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. PITTMAN].

Mr. BAILEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Calif.	Overton
Andrews	Copeland	Johnson, Colo.	Pittman
Ashurst	Dieterich	King	Pope
Austin	Donahey	La Follette	Radcliffe
Bailey	Duffy	Lee	Reames
Bankhead	Ellender	Lodge	Reynolds
Barkley	Frazier	Logan	Russell
Berry	George	Longeran	Schwartz
Bilbo	Gerry	Lundeen	Schwellenbach
Bone	Gibson	McAdoo	Sheppard
Borah	Gillette	McCarran	Smathers
Bridges	Glass	McGill	Smith
Brown, Mich.	Green	McKellar	Thomas, Okla.
Brown, N. H.	Guffey	McNary	Thomas, Utah
Bulkeley	Hale	Maloney	Townsend
Bulow	Harrison	Miller	Tydings
Burke	Hatch	Milton	Vandenberg
Byrd	Hayden	Minton	Wagner
Byrnes	Herring	Murray	Walsh
Capper	Hill	Neely	Wheeler
Caraway	Hitchcock	Norris	
Chavez	Holt	Nye	
Clark	Hughes	O'Mahoney	

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

Mr. BANKHEAD obtained the floor.

Mr. PITTMAN. Mr. President, will the Senator yield so that the yeas and nays may be ordered?

Mr. BANKHEAD. I yield.

Mr. PITTMAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SMITH. Is the vote to be on the question whether or not the Forest Service will be transferred to some other department?

The PRESIDING OFFICER. That is correct. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. PITTMAN].

Mr. BARKLEY. Mr. President, the ordering of the yeas and nays does not cut off any Senator's right to speak upon the subject.

The PRESIDING OFFICER. No. The Senator from Alabama has been recognized.

Mr. HATCH. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. The inquiry addressed to the Chair by the Senator from South Carolina and the response of the Chair might create a false impression. As I understand, the vote is to be on the question whether or not there shall be placed in the bill a prohibition against the transfer of the Forest Service.

The PRESIDING OFFICER. The amendment is to prohibit a transfer, under the pending measure, of the Forest Service from the Department of Agriculture.

Mr. SMITH. Mr. President, may we have the amendment read?

The PRESIDING OFFICER. The amendment will be stated by the clerk.

The LEGISLATIVE CLERK. On page 4, line 12, it is proposed to substitute a semicolon for the period, and to insert immediately thereafter the following:

or to abolish or transfer the Forest Service from the Department of Agriculture to any other executive department or to abolish or transfer to any other agency or department any of the functions exercised by the Forest Service.

Mr. SMITH. Mr. President, as I understand—if the Senator from Alabama will yield—

Mr. BANKHEAD. For what purpose? I do not want to yield for the Senator to make a speech, because I have not said a word yet.

Mr. SMITH. I am not in the notion of making a speech, and I do not want the Senator to try to force me to. [Laughter.] The vote is on the question of including in the exceptions what has just been read?

The PRESIDING OFFICER. That provision would be included as an exception.

Mr. SMITH. That is all I want to know.

Mr. BANKHEAD. Mr. President, I believe I have as long and as active a record as any Member of the Senate against the transfer of the Forest Service to the Department of the Interior. The senior Senator from Mississippi, the Senator from South Carolina, and I stood guard here for at least 2 years every time the calendar was called to see to it that a bill reported by the Committee on Public Lands and Surveys providing for such a transfer should not pass by unanimous consent. We prevented action for at least 2 years on that bill. During that time I became absolutely certain that a very large majority of the Members of the Senate were opposed to the transfer of the Forest Service to the Department of the Interior.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. BANKHEAD. If the Senator will wait a moment, I will let him ask me the question after I get through with this statement.

I feel sure that today an overwhelming majority of the Members of this body are opposed to the transfer of the Forest Service to the Department of the Interior. The question arises, naturally, in the minds of Senators, why I should oppose the amendment of the Senator from Nevada. I do so for several reasons. I have made clear that I am in favor of the principle contained in his amendment. I have made clear that when I am talking to those who do not desire to have the Forest Service transferred to the Department of the Interior I am friendly with their attitude and sentiment upon the subject, not only friendly, but, as I have stated, I have been an active worker to that end.

I do not believe, however, that we should undertake in this reorganization program to bring to the attention of the Senate some bureau or some department we desire to have excepted. I believe that if we begin that, there will be no end in sight. We know of 18 amendments filed by the senior Senator from Missouri [Mr. CLARK] to test the sentiment of the Senate as to 18 different bureaus or organizations within the departments of the Government. The Senator from Missouri has doubtless selected the ones which appeal to him. He has doubtless omitted a number of bureaus and departments which appeal to other Members of the Senate. If we begin on a program of declared exceptions, then we may be expected to continue probably through the list from beginning to end.

Two exceptions have been included in the bill. I would vote to take them out. They are not in the bill with my consent. I do not think there ought to be any exceptions in the bill. I think that if we are to have a real reorganization program we should submit it to the President, as we did in 1933, and as we submitted it to President Hoover in 1932, without direction to the President, without an expression of sentiment upon the part of the Senate as to all the details involved in the reorganization program.

For this reason, primarily, I am opposed to the adoption of the pending amendment. I realize that it has more inherent and spontaneous support than any amendment which could be offered on the subject of the exclusion of some agency or service from the power contained in the bill. I realize, and I am glad to know, that an overwhelming majority of the Members of the Senate want the Forest Service to continue as a part of the agricultural administration of the Government. I realize, and I am glad to know, that if by any mischance the President should transfer the Forest Service to the Department of the Interior, the Senate would promptly by an overwhelming vote pass a bill to retransfer it to the Department of Agriculture. I am sure that the President of the United States understands the



sentiment of Congress with reference to the transfer of the Forest Service. The subject has been pending here in an active way for 2 years. Sentiment has been developed on the question throughout the country. Expressions have been made in nearly every State; they have been made from time to time by Members of this body and Members of the other body of the Congress.

I am sure that with the development of sentiment as pronounced as it is upon this subject the President would not flout the opinion of Congress. I am sure, further, that if by chance he should do so the present Congress or any succeeding Congress constituted of men who think at all as this body does would promptly pass a bill retransferring the Service, and the sentiment in the other House would be about the same as that in the Senate.

If there were but one question involved it might be all right to go on record on one subject on which we are all agreed, but this would be followed by amendments involving many other subjects the consideration of which would take days and days before we could reach a conclusion, and when we reached a conclusion we would tie the hands of the President perhaps with respect to many of these problems which are of no very great importance to the Senate, but are of importance merely because some Senator may present an amendment, and, perhaps, without full deliberation, without any particular reason, may have expressed his sentiments, as these questions come up hurriedly on the floor from time to time and from day to day, during the long and protracted consideration which this bill would inevitably have if we should enter upon a detailed program of that sort.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. SCHWELLENBACH. The Senator just a moment ago used the words "days and days." As a matter of fact, if the Senate wanted to legislate upon the question of which particular bureaus or agencies are to be transferred or not transferred, would it not require months and months of investigation by a committee and necessitate hearings, letting each department come in and present its evidence, before the Senate could properly handle a matter involving 16 or 18 departments or bureaus? For the Senate properly to complete that work, would it not be necessary to devote weeks or even months of consideration to the question through the medium of a committee?

Mr. BANKHEAD. I think the suggestion of the Senator from Washington is unanswerable. Doubtless these numerous bureaus would be the subject of consideration under amendments similar to the one before us now. If action on those bureaus is to be taken by the Senate, we must do one of two things. We must vote without any sort of hearing; we must vote without any deliberate judgment; we must vote impulsively, spontaneously, according to the way we are prompted by one or two suggestions on the subject; or, if we do not do that, then, if we are going to act first on the reorganization, before the President has an opportunity to reorganize, we should, in the interest of respectable deliberation on the part of the Senate, reopen the whole question, have hearings on every amendment offered to exempt some bureau or some agency, get the reasons therefor, as suggested by the Senator from Washington, and also the reasons against taking the proposed action, and substitute this body primarily as a reorganization body, rather than let the President, through his agencies, with his opportunities for investigation and consideration, work out a program and send it to the Congress.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. BARKLEY. If it is wise for the Senate or for the House to act on a wholesale scale, which may be the result if we start that process, and tell the President what he cannot do in respect to bureaus which are already existing in some of the departments, why not go further and demand that he transfer certain others; and if we are to do that, why should not Congress settle down to a whole session of labor

on that subject alone and do the reorganizing itself, which it has the power and always has had the power to do?

I have been asked by friends of mine to offer an amendment in the Senate instructing the President to transfer a certain bureau from the department where it is now located into the new department of public welfare. I have not felt that it was any wiser to try to instruct the President what to put in the new department than it is to instruct him what he cannot take out of some other department. But if we enter that field we do to that extent undertake to legislate, which we have the power to do without doubt, but I share the position of the Senator from Alabama as to the wisdom of doing that, and feel that it is certainly questionable.

Mr. BANKHEAD. The suggestion made by the majority leader is certainly consistent. If we decide that we are going to withhold the power to transfer some of the bureaus and some of the agencies, then, as indicated by the majority leader, we ought to take the other step, and direct the transfer of those agencies which a majority of the Senate think should be transferred. In other words, when we withhold the power of the President to act with respect to certain bureaus, we should, if we wish to be consistent, develop and work out a complete plan of reorganization, and send it to the White House. Every fair-minded Senator knows we cannot do that.

This subject has been talked about ever since I have taken any notice of public affairs. Ninety-six men in this body and four hundred and thirty-five in the other body can no more work out an intelligent, effective reorganization program than Congress can work out the freight rates of every commodity to every station in the United States. It is just one of those things that cannot be done.

Mr. President, I want to make it clear that, at least so far as I am concerned, my vote on this subject does not indicate my feeling on the subject of the transfer of the Forest Service, nor will it indicate my attitude with respect to the transfer of any of the other agencies covered by the amendments heretofore presented.

The PRESIDING OFFICER. The time of the Senator from Alabama on the amendment has expired.

Mr. BANKHEAD. I have some time on the bill, have I not?

The PRESIDING OFFICER. The Senator has time on the bill.

Mr. BANKHEAD. I shall not take my time on the bill now, Mr. President.

Mr. ADAMS. Mr. President, I owe an apology to the Senator from Alabama. I did not mean to interrupt his oratorical efforts, but he made an error in his statement, which I assume he would be glad to have corrected. He stated that he had stood on guard for 2 years to prevent the passage of the bill reported from the Committee on Public Lands and Surveys. No such bill was reported from the Committee on Public Lands and Surveys.

Mr. BANKHEAD. What committee was it?

Mr. ADAMS. It was reported from the Committee on Expenditures in the Executive Departments.

Mr. BANKHEAD. I shall be glad to withdraw the statement. I did not know how in the world it ever could have gotten into the Committee on Public Lands and Surveys. I could not conceive how it could go to any committee but the Committee on Agriculture and Forestry, but in some way, somehow, it was switched away to some other committee.

Mr. ADAMS. I will say that I was a little surprised to find it in the committee I mentioned. Therefore, there ought to be a further statement. My recollection of the bill—since it did not come before the Committee on Public Lands and Surveys I did not have occasion to study it—is that it proposed to change the name of the department.

Mr. BANKHEAD. No; the Senator is in error about that.

Mr. ADAMS. That is immaterial.

Mr. BANKHEAD. I am sorry I made the statement. I do not want to hurt the feelings of the chairman of the Committee on Public Lands and Surveys. If the statement that such a bill was reported from his committee is a reflection on

the Senator at all. I gladly withdraw it. I withdraw it anyway.

Mr. ADAMS. No; that is not the idea. I assumed the Senator from Alabama wanted to be correct in his statement.

Mr. BANKHEAD. Yes.

Mr. ADAMS. As the chairman of the committee, I know there are members of the committee, such as both Senators from Nevada, and especially the senior Senator from that State, who are very much opposed to the measure, and the senior Senator from Nevada, whose amendment is now pending before us, probably would not wish to be held responsible for reporting favorably something of which he disapproved.

Personally, I have the feeling about this whole matter that I have come to have about the bill, that it is much ado about nothing. I do not think that the adoption or failure to adopt the amendment means anything. I have about come to the conclusion that with the limitations and one thing and another that have been put on the reorganization bill, those who are basing great hopes upon it as to accomplishment are going to be very grievously disappointed.

I notice that those who are its ardent advocates today pointed out, when argument was made as to saving money under its operations, that no saving of money would be made. I know that the President in his Budget message said that no great saving would be made. Personally I am not very greatly concerned over the matter of shifting of agencies about and changing their names.

We have, through amendments, taken away from the bill the power to change functions, so that all there is left in the bill is the power in the hands of the President to shift about various agencies; and it is to be hoped that some economy will be accomplished and some efficiency will result.

I had hoped that the Senate might be permitted to participate in the reorganization. I had hoped that with the experience accumulated in the minds of 96 Senators we might perhaps be able to make our contribution to the recommendations or Executive orders referred to us. We have now voted to leave the matter to the President. I trust that much good will be accomplished.

As to the particular matter now before us, I have no great concern, except to say that I think it is at least not the height of wisdom to have one portion of the public domain, upon which a man's cow or steer grazes in the winter, administered by one bureau, and the area upon which it grazes in another season administered by another bureau. I do not know how many bureaus or departments have charge of the various Federal land holdings.

I venture to say that at least a dozen different departments deal with Uncle Sam's real estate, and I think there should be a merger or consolidation. The situation under discussion is similar to the situation which might exist in my own yard if I had one superintendent running the right-hand side of my yard and another superintendent looking after the left-hand side. Of course, neither of them would want to be supplanted by the other.

We have seen evidence of the efficiency of both the Departments which are involved in this question. A great deal of sentiment has been aroused in my State and other States, and the impression has been conveyed that a change either way means a destruction of the service. I have been unable to see it. If the grazing service now in the Department of the Interior were transferred to the Agriculture Department, what would occur would be merely the transfer of a unit. The same individuals would carry on the work and the same work would be done. If the Forest Service were transferred to the Interior Department, it would be bodily transferred. The same policies and the same personnel would follow the transfer of the functions. I have not experienced a very great rise in temperature over this matter. I am inclined to vote against the amendment for the reason that I feel that if we lay down a principle of exceptions in the bill, perhaps it would be obligatory upon us to go the rest of the way and exempt many other agencies, thereby destroying the efficacy of the reorganization bill.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. ADAMS. Gladly.

Mr. BORAH. Are there not already some exceptions in the bill?

Mr. ADAMS. There seem to be two or three exceptions in the bill. I will say to the Senator that I have been somewhat mystified as to just how they got in.

Mr. BORAH. There is nothing mysterious to me about it.

Mr. ADAMS. I am frank to say that I do not know. I have had no contact with the matter, and I have had no explanation. I am perfectly willing to include them in the bill, because I am not anticipating any great fruits when the harvest is reaped from this bill.

Mr. SCHWELLENBACH. Mr. President, I desire to speak for a few minutes on the pending amendment.

I do not believe there is any State where the problem of the proper conduct of the Forest Service is of greater importance than in the State of Washington. I do not think any Member of this body is more interested than I am in seeing that the Forest Service is conducted through the medium of and under the Department of Agriculture. I desire to take advantage of this opportunity to state the reasons why I intend to vote against the amendment proposed by the Senator from Nevada [Mr. PITTMAN].

I think anyone can foresee the situation with which we shall be confronted if this amendment is adopted, and if the other amendments coming up for consideration receive favorable action in the Senate. On last Friday the Senate determined that the work of reorganization, consolidation, and transfer should be done by the President of the United States.

Sixteen bureaus and agencies are involved in 16 amendments which are now before the Senate, including this particular amendment. If they are all exempted, the task of reorganization will not be performed by the President, but will necessarily be performed by the Congress itself.

As I pointed out a few minutes ago, in order to be fair with these departments and agencies, the Congress will be required not merely to give the sort of consideration which we are asked to give so far as this particular amendment is concerned, but it must also provide for hearings at which representatives of each of the bureaus and departments affected may appear.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. HATCH. There seems to be a general understanding that the Forest Service shall not be consolidated or transferred. Am I correct?

Mr. SCHWELLENBACH. That is the understanding.

Mr. HATCH. Is there any such understanding relative to the other 15 or 16 bureaus to which the Senator has referred?

Mr. SCHWELLENBACH. I know of no such understanding in reference to any other agency, department, or bureau. I have such an understanding with respect to the Forest Service. I will say that personally I have received no assurances with reference to that understanding, but that I have great confidence in the Members of this body who state that they are satisfied that the Forest Service will not be transferred.

I point out to the Senator that those who favor the retention of the Forest Service in the Department of Agriculture may not be doing a service to that Bureau by presenting this matter to the Senate for a vote. We must realize that all the departments and agencies must necessarily be left to the President to be passed upon. If the Senate goes through the 16 bureaus or agencies involved in the 16 amendments, one by one, and say, "No; we do not want them exempted," there may be some who will contend that the Senate already has decided against the retention of these particular bureaus and agencies in the department of government where they now exist, or has decided against the retention of their present status as separate, independent agencies.

Mr. HATCH. In view of the statement just made by the Senator, am I right in construing his thought to be that if



this particular amendment should be voted down, others would have the right to assume that it is the wish of the Senate that the Forest Service be transferred?

Mr. SCHWELLENBACH. There is the possibility of such an argument being made. In the light of the statements which have been made, I do not think a logical argument could be made to that effect; but I can see that such an argument might be presented by those who favor the transfer to some other agency of government.

Mr. HATCH. I merely desire to say that I thought the Senator himself was making that argument; and, knowing that he always makes a logical argument, it appealed to my mind as being the logical conclusion for any one to reach.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. BANKHEAD. Following the suggestion of the Senator from New Mexico, what would be the effect if the Senate should adopt this amendment, and it should go to the House, and the House should reject it? Assuming that the House would desire to line up with the administration and give the President the power sought in this bill, and therefore would reject the amendment, would such action be an indication to the public or to the President that the House desired the Forest Service to be transferred?

Mr. SCHWELLENBACH. May I answer that question as I answered the Senator from New Mexico? In the light of the statements which have been made in reference to this particular Department, it is my understanding that no matter what the law may provide with reference to the Forest Service, there is no intention to transfer it. I do not think a logical argument could be made based upon that particular agency.

Mr. BANKHEAD. I agree with the Senator as to that.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. If the Senator will permit me to finish my statement I shall then be glad to yield.

Some 15 other similar amendments are before us. If the Congress decides that it is not proper to consider all of them, and that all such amendments must be rejected, then when the question of the Veterans' Administration arises, the Congress having rejected an amendment with respect thereto, it may be argued in those circumstances that Congress has said that the Veterans' Bureau should be transferred, or that its status as an independent agency should be changed, and that the President should be guided to a certain extent because of that action upon the part of Congress.

Those who take a position of friendship toward the Veterans' Bureau or toward any of the other agencies or departments concerned certainly are not doing such agencies any service when they present the amendments which they propose.

I now yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, the Senator from Washington does not mean to indicate, does he, by his opposition to the amendment of the Senator from Nevada that he desires to record himself as in favor of the transfer of the Forest Service to another department?

Mr. SCHWELLENBACH. I think I made it plain at the outset of my remarks that I certainly am opposed to the transfer of the Forest Service from the Department of Agriculture to any other department, and that no one here is more opposed to it than I am, because of the conditions in the State which I in part represent.

Mr. O'MAHONEY. So that the action of those of us who intend to vote against the amendment of the Senator from Nevada [Mr. PITTMAN] ought not to be construed as favoring the transfer of this bureau or any other bureau?

Mr. SCHWELLENBACH. I think I have made that plain.

Mr. O'MAHONEY. I merely desire to be sure that the purpose of the Senator is clear.

Mr. SCHWELLENBACH. I tried to make it plain that those who present the other 15 amendments are running the risk of having the argument which has been referred to made against them in the future.

Mr. POPE. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. POPE. Let me ask the Senator if it is not a fact that a similar amendment, to exempt the Forest Service from the power of the President to make a transfer, was presented in the House, and voted down by 100 votes?

Mr. SCHWELLENBACH. It was voted down by an overwhelming vote. I do not know what the vote was.

Mr. POPE. The Senator suggests that if a similar situation should exist in the Senate, the inference might be drawn that both the House and the Senate had voted in favor of such a transfer.

Mr. SCHWELLENBACH. So far as the Senate is concerned, in view of the statements which have been made in reference to the attitude of the administration, I do not think such an argument could logically be made; but I can see how such an argument might be made in connection with the miscellaneous amendments submitted. I again say that I do not think those who are friendly to the various bureaus and agencies are doing them any service by submitting the amendments.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. CLARK. Mr. President, I should like to ask the Senator from Washington whether he sees any reason for making a distinction between the Engineer Corps of the Army and the Mississippi River Commission and all other agencies, and whether he feels assured that it is more necessary to include a specific exemption for the Engineer Corps of the Army and the Mississippi River Commission than to include a specific exemption for the Forest Service, for instance.

Mr. SCHWELLENBACH. So far as I am concerned, if I had been on the committee I should not have exempted any of them.

Mr. CLARK. Since an exemption has been made, does not the Senator believe that every argument he has advanced here during the past few minutes with regard to other bureaus applies with equal force so long as the exemption for the Engineer Corps of the Army and the Mississippi River Commission is in the bill?

Mr. SCHWELLENBACH. Except for the fact that there would not be a separate vote upon the matter.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. BANKHEAD. Is it not a fact that there has been no vote yet on the exemption of the Engineer Corps of the Army and the Mississippi River Commission, and that they are in the bill simply as a result of the report of the committee?

Mr. SCHWELLENBACH. That is the distinction I make—that there would be no separate vote upon those two particular activities of the Government.

Mr. BYRNES. Mr. President—

Mr. SCHWELLENBACH. I yield to the Senator from South Carolina.

Mr. BYRNES. The Senator is correct as to the exemption. The only organizations exempted were those that were determined by the committee to be quasi judicial, with the exception of the Federal Reserve banks, which were exempted because the stock of the Federal Reserve banks is owned by the member banks, and the Mississippi River Commission and the Engineer Corps of the Army, engaged in river and harbor work. They are the only exceptions to the principle which the committee endeavored to establish.

The statement has been made upon the floor of the Senate that a motion would be made to eliminate them. They are the only exemptions.

Mr. O'MAHONEY. Mr. President—

Mr. SCHWELLENBACH. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. I ask the Senator from South Carolina if it is not a fact that so far as the examination of the committee was concerned it appeared that there was absolutely no other organization which did any work comparable to that done by the Mississippi River Commission?

Mr. BYRNES. Mr. President, that was the view of the majority of the committee.

Mr. CLARK. Mr. President, will the Senator from Washington yield to me in order that I may ask a question of the Senator from Wyoming?

Mr. SCHWELLENBACH. I yield.

Mr. CLARK. What other commission or agency is there whose work is comparable to the work of the Tennessee Valley Authority, for instance, which is not excepted from the provisions of the bill, or the work of the Tariff Commission, or the work of the Veterans' Bureau?

Mr. BYRNES. Mr. President, I suggested to the Senator from Missouri the other day that he could move to strike out the exemption of the Engineer Corps of the Army.

Mr. CLARK. I do not wish to do that. I wish to add to the exemptions.

Mr. BYRNES. I understood the Senator to say that at one time he was opposed to exempting any organization.

Mr. CLARK. I am opposed to it as a matter of principle; but since the amendment of the Senator from Montana [Mr. WHEELER] was voted down the other day, it seems to me that since the entirely proper proposition of exempting the Mississippi River Commission and the Engineer Corps of the Army has been adopted by the committee, there are many other equally meritorious agencies which should be included in the exemption. I am trespassing on the time of the Senator from Washington, however, and I do not wish to do that.

Mr. O'MAHONEY. Mr. President, if I may trespass upon the time of the Senator from Washington to answer my friend from Missouri—

Mr. SCHWELLENBACH. I yield.

Mr. O'MAHONEY. I will say that if this measure contained such a provision as was originally proposed, for the establishment of a Department of Public Works, I certainly should not for one moment consider the exemption of the Board of Army Engineers or the Mississippi River Commission; but when it was determined that there should not be a separate Department of Public Works, it seemed that there was no reason whatsoever for not granting this exemption. I will say to the Senator from Missouri, however, that so far as I am concerned, and I believe so far as any member of the committee is concerned, there would be no objection whatsoever to an amendment striking out this exception.

Mr. SCHWELLENBACH. Mr. President, I desire to conclude by again calling to the attention of the Senate a statement made by the Secretary of Agriculture. Certainly there is no one in the country who is more interested in the Department of Agriculture, and the preservation within that Department of the proper functions of agriculture, than is the Secretary of Agriculture. Raising a crop of forestry is just as much raising an agricultural crop as raising a crop of corn or wheat or anything else. It takes a longer period of time than it takes to raise other kinds of crops. When the Secretary of Agriculture, interested as he is in the maintenance within his Department of the proper agricultural functions, comes out unqualifiedly and endorses this bill, raises no question about the Forest Service, and does not ask the Congress to exempt it. I think those of us who are interested in the problems of agriculture and in the problems of forestry may rely upon the opinion and the judgment of the Secretary of Agriculture.

Mr. BARKLEY. Mr. President, it is evident that we cannot finish the consideration of the pending amendment this afternoon. The Senator from South Carolina [Mr. BYRNES] desires to ask for the consideration of a resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate involving a resolution previously reported from the Committee on Agriculture and Forestry. I think we might now take up that matter.

ACTIVITIES OF AMERICAN COTTON COOPERATIVE ASSOCIATION—  
LIMIT OF EXPENDITURES

Mr. BYRNES. Mr. President, I ask unanimous consent for the present consideration of Senate Resolution 205, being Calendar No. 1473. If unanimous consent is given for the consideration of the resolution, I shall offer an amendment submitted to me by the Senator from Louisiana [Mr. ELLENDER] and the Senator from Alabama [Mr. BANKHEAD].

Mr. AUSTIN. Mr. President, reserving the right to object, I should like to hear what the proposal is.

Mr. BYRNES. I send the amendment to the desk and ask to have it read.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The CHIEF CLERK. On page 1, line 4, after the word "continued", it is proposed to strike out the words "in full force and effect", and to insert in lieu thereof the following:

For the purpose of permitting the Committee on Agriculture and Forestry or any subcommittee thereof, to hold hearings and to make a report with reference to such data as have been gathered to date and that witnesses may be called to substantiate such data and further to permit the American Cotton Cooperative Association, through its officers or duly authorized representatives, to present facts and figures by such records and witnesses as they may offer pertaining to the matters under investigation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina for the immediate consideration of the resolution?

Mr. AUSTIN. Mr. President, reserving the right to object, I ask the Senator from South Carolina to explain the resolution.

Mr. BYRNES. I shall be glad to do so.

Some time ago the Committee on Agriculture and Forestry recommended the adoption of a resolution authorizing the continuation of an investigation previously ordered of certain matters with reference to cotton cooperatives. The investigation has been continued. A resolution was submitted providing additional funds to complete the investigation. It was reported by me and agreed to one afternoon, but was reconsidered upon the objection of the Senator from Louisiana [Mr. ELLENDER].

The Senator from Louisiana and the Senator from Alabama [Mr. BANKHEAD] have submitted the amendment which I have sent to the desk and which has been read, and I understand that the members of the Agricultural Committee have agreed upon the amendment. In substance, it provides that the Committee on Agriculture and Forestry, or any subcommittee thereof, may hold hearings and procure the attendance of witnesses as to the data already gathered to date, and that the American Cotton Cooperative Association, through its officers, shall be permitted to present facts and figures by such records and witnesses as it may offer pertaining to the matter under investigation.

Mr. AUSTIN. Will the Senator permit an inquiry?

Mr. BYRNES. Yes.

Mr. AUSTIN. Does the amendment change in any way the amount of money that is to be expended?

Mr. BYRNES. The resolution as originally reported asked for authority to expend \$25,000. The Committee to Audit and Control the Contingent Expenses of the Senate recommended, and the amendment provided for, the expenditure of only \$10,000. That was the status of the resolution as it was reported. It went back on the calendar. The present amendment provides that the committee shall hold hearings with reference to such data as have been gathered to date, and that witnesses may be called in order to substantiate such data.

Mr. AUSTIN. The resolution does not undertake to change the amount?

Mr. BYRNES. No. There is no change in the amount; and, really, the amendment simply provides that the committee shall make a report as to the data already gathered.

Mr. AUSTIN. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina for the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 205) submitted by Mr. SMITH on December 2, 1937.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina.

The amendment was agreed to.



The resolution, as amended, was agreed to, as follows:

*Resolved*, That S. Res. 137, agreed to July 27, 1937, Seventy-fifth Congress, first session, relative to an investigation of certain activities of the American Cotton Cooperative Association, is hereby continued for the purpose of permitting the Committee on Agriculture and Forestry or any subcommittee thereof, to hold hearings and to make a report with reference to such data as have been gathered to date, and, that witnesses may be called to substantiate such data and further to permit the American Cotton Cooperative Association, through its officers or duly authorized representatives, to present facts and figures by such records and witnesses as they may offer pertaining to the matters under investigation, and that the limit of expenditures that may be made under authority of such resolution is hereby increased by \$10,000 and shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the Committee on Agriculture and Forestry.

**DATA CONCERNING RECIPROCAL-TRADE AGREEMENT WITH GREAT BRITAIN (S. DOC. NO. 156)**

Mr. O'MAHONEY. Mr. President, on January 8, 1938, the Department of State announced a list of the commodities upon which the Government of the United States will consider making concessions in the pending reciprocal-trade negotiations with the United Kingdom. Since that time the Southern Commercial Congress has had made a very serious study of the effect of these negotiations, and I have here a list of the commodities affected, together with a table showing the imports of each commodity for the year 1936, setting forth the amount of each commodity imported from the United Kingdom and the amount imported from other countries. This statement was prepared by Mr. Evans, formerly a clerk for the Ways and Means Committee of the House of Representatives. I ask unanimous consent that the statement be printed as a Senate document.

Mr. AUSTIN. Mr. President, I should like to inquire whether similar data relating to the negotiations with the Dominion of Canada are in the possession of the Senator from Wyoming.

Mr. O'MAHONEY. I regret to say that I do not have that material as yet, but I hope to be able to secure it.

Mr. AUSTIN. I believe I received a communication today indicating that those data are in form, and that they will be afforded to Senators if they ask for them at the proper source.

Mr. O'MAHONEY. If the Senator will indicate the proper source I shall be glad to make inquiry.

Mr. AUSTIN. I am not able to do so at the present time, but I think the proposal to make the document referred to a public document is a worthy one, and that it will also be of value to have similar information concerning the pending negotiations with the Dominion of Canada made a public document. I have no objection to the request of the Senator from Wyoming.

Mr. BARKLEY. Mr. President, as I understand, a list of the commodities which were to be considered in connection with the negotiations with Great Britain was published in the CONGRESSIONAL RECORD sometime ago, probably in December.

Mr. O'MAHONEY. The Senator is correct.

Mr. BARKLEY. The Senator is asking that in connection with that same list there be published data with respect to the imports, so that there may be a comparison?

Mr. O'MAHONEY. The Senator is correct.

Mr. BARKLEY. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

**EXECUTIVE SESSION**

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

**EXECUTIVE MESSAGES REFERRED**

The PRESIDING OFFICER (Mr. McGILL in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

**EXECUTIVE REPORTS OF A COMMITTEE**

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were ordered to be placed on the Executive Calendar.

The PRESIDING OFFICER. Are there further reports of committees? If not, the clerk will state the nominations on the Executive Calendar, with the exception of the one passed over.

**THE JUDICIARY**

The legislative clerk read the nomination of William Thomas Dowd to be United States marshal for the middle district of North Carolina.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

**POSTMASTERS**

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That completes the calendar.

**RECESS**

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until tomorrow at 11 o'clock a. m.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 22, 1938, at 11 o'clock a. m.

**NOMINATIONS**

*Executive nominations received by the Senate March 21 (legislative day of January 5), 1938*

**DIRECTOR OF THE MINT**

Nellie Tayloe Ross, of Wyoming, to be Director of the Mint. (Reappointment.)

**COLLECTORS OF CUSTOMS**

Raymond Miller, of Colorado, to be collector of customs for customs collection district No. 47, with headquarters at Denver, Colo. (Reappointment.)

Stephen M. Driscoll, of St. Albans, Vt., to be collector of customs for customs collection district No. 2, with headquarters at St. Albans, Vt. (Reappointment.)

**REGISTERS OF THE LAND OFFICE**

Thomas F. Corbally, of Montana, to be register of the land office at Great Falls, Mont. (Reappointment.)

Arthur J. Ewing, of Idaho, to be register of the land office at Coeur d'Alene, Idaho. (Reappointment.)

**UNITED STATES MARSHAL**

John T. Summerville, of Oregon, to be United States marshal for the district of Oregon. (Mr. Summerville is now serving in this office under an appointment which expired February 3, 1938.)

**APPOINTMENT IN THE REGULAR ARMY**

Maj. Thomas Dodson Stamps, Corps of Engineers, to be professor of civil and military engineering at the United States Military Academy with rank from July 1, 1938, vice Prof. William A. Mitchell, to be retired June 30, 1938.

**PROMOTIONS IN THE NAVY**

Capt. William F. Halsey, Jr., to be a rear admiral in the Navy, to rank from the 1st day of March 1938.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the date stated opposite their names:

Albert F. France, Jr., February 1, 1938.

Julian D. Wilson, February 3, 1938.

Henry Y. McCown, March 1, 1938.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

Edward C. Forsyth, January 1, 1938.

Robert W. Bedilion, February 1, 1938.

Charles C. Phleger, February 3, 1938.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Calvin A. Walker, Jr., June 30, 1937.

James E. Stevens, February 1, 1938.

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, to rank from the 3d day of June 1937:

John H. Ward, Jr.

Ralph M. McComas

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the date stated opposite their names:

Hobart T. McCrary, November 2, 1937.

Michael J. Hurley, November 2, 1937.

Samuel B. Neff, November 2, 1937.

Stephen Sekeres, November 2, 1937.

John J. O'Dea, November 2, 1937.

Paul C. Cottrell, November 2, 1937.

James H. Miller, December 2, 1937.

Robert H. Lynn, January 2, 1938.

Samuel C. Herrington, February 2, 1938.

The following-named pharmacists to be chief pharmacists in the Navy, to rank with but after ensign, from the date stated opposite their names:

Oscar D. Keeling, November 1, 1937.

George A. Miller, January 2, 1938.

Asst. Surg. Oscar Schneider to be a passed assistant surgeon in the Navy, with the rank of lieutenant, to rank from the 30th day of June 1937.

#### POSTMASTERS

##### ALABAMA

W. Cooper Green to be postmaster at Birmingham, Ala., in place of W. C. Green. Incumbent's commission expired February 28, 1938.

John P. McGee to be postmaster at Carrollton, Ala., in place of J. P. McGee. Incumbent's commission expired March 15, 1938.

Willard D. Leake to be postmaster at Jasper, Ala., in place of W. D. Leake. Incumbent's commission expired March 15, 1938.

Samuel D. Wren to be postmaster at Red Bay, Ala., in place of S. D. Wren. Incumbent's commission expired March 15, 1938.

##### ARIZONA

George H. Todd to be postmaster at Phoenix, Ariz., in place of G. H. Todd. Incumbent's commission expired February 1, 1938.

##### ARKANSAS

William Edgar Bradley to be postmaster at Alma, Ark., in place of W. E. Bradley. Incumbent's commission expired March 14, 1938.

John R. Harkness to be postmaster at Belleville, Ark., in place of J. R. Harkness. Incumbent's commission expired March 14, 1938.

Tom Morris, Jr., to be postmaster at Berryville, Ark., in place of Tom Morris, Jr. Incumbent's commission expired February 28, 1938.

Robert D. Reagan to be postmaster at Danville, Ark., in place of R. D. Reagan. Incumbent's commission expired March 14, 1938.

William M. McQueen to be postmaster at Des Arc, Ark., in place of W. M. McQueen. Incumbent's commission expired February 15, 1938.

Bess M. Nobles to be postmaster at Dierks, Ark., in place of B. M. Nobles. Incumbent's commission expired March 8, 1938.

Allan M. Wilson to be postmaster at Fayetteville, Ark., in place of A. M. Wilson. Incumbent's commission expired February 28, 1938.

Walter R. Dunn to be postmaster at Foreman, Ark., in place of W. R. Dunn. Incumbent's commission expired March 14, 1938.

Halton B. Stewart to be postmaster at Greenwood, Ark., in place of H. B. Stewart. Incumbent's commission expired February 15, 1938.

Robert Roy Millwee to be postmaster at Nashville, Ark., in place of R. R. Millwee. Incumbent's commission expired March 14, 1938.

James H. Nobles to be postmaster at Parkdale, Ark., in place of J. H. Nobles. Incumbent's commission expired January 27, 1938.

Myrt Walrond to be postmaster at Pocahtontas, Ark., in place of Myrt Walrond. Incumbent's commission expired March 14, 1938.

Isaac H. Steed to be postmaster at Star City, Ark., in place of I. H. Steed. Incumbent's commission expired January 27, 1938.

Jo Etta Peel to be postmaster at State Sanatorium, Ark., in place of Jo Etta Peel. Incumbent's commission expired February 28, 1938.

Mabel E. Whaley to be postmaster at Sulphur Springs, Ark., in place of M. E. Whaley. Incumbent's commission expired January 27, 1938.

Jonathan A. Horton to be postmaster at North Little Rock, Ark., in place of R. L. Lawhon, resigned.

##### CALIFORNIA

Owen Kenny to be postmaster at Calistoga, Calif., in place of Owen Kenny. Incumbent's commission expired March 6, 1938.

James R. Kilkenny to be postmaster at Dixon, Calif., in place of J. R. Kilkenny. Incumbent's commission expired February 5, 1938.

Leslie A. Johnson to be postmaster at Escalon, Calif., in place of L. A. Johnson. Incumbent's commission expired March 6, 1938.

Elaine M. Strohl to be postmaster at Imola, Calif., in place of E. M. Strohl. Incumbent's commission expired February 20, 1938.

Edmund V. Murphy to be postmaster at Madera, Calif., in place of E. V. Murphy. Incumbent's commission expired February 20, 1938.

John J. Nestor to be postmaster at Mojave, Calif., in place of J. J. Nestor. Incumbent's commission expired February 20, 1938.

Sidney F. Horrell to be postmaster at Moneta, Calif., in place of S. F. Horrell. Incumbent's commission expired March 6, 1938.

James H. Pearce to be postmaster at Oilfields, Calif., in place of J. H. Pearce. Incumbent's commission expired February 5, 1938.

Rowena A. Osborn to be postmaster at Orcutt, Calif., in place of R. A. Osborn. Incumbent's commission expired February 2, 1938.

Hazel Hooker to be postmaster at Waterman, Calif., in place of Hazel Hooker. Incumbent's commission expired February 5, 1938.

Charles A. Graf to be postmaster at Winters, Calif., in place of C. A. Graf. Incumbent's commission expired February 5, 1938.

Lempi J. Kiviano to be postmaster at Georgetown, Calif. Office became Presidential July 1, 1937.

Edward E. Enos to be postmaster at Niles, Calif., in place of H. V. Fournier, removed.

##### COLORADO

Roy Staley to be postmaster at Arvada, Colo., in place of Roy Staley. Incumbent's commission expired February 1, 1938.

Joseph B. Sella to be postmaster at Estes Park, Colo., in place of J. B. Sella. Incumbent's commission expired February 1, 1938.



John F. Redman to be postmaster at Greeley, Colo., in place of J. F. Redman. Incumbent's commission expired February 20, 1938.

Thomas H. Hargreaves to be postmaster at Holyoke, Colo., in place of T. H. Hargreaves. Incumbent's commission expired February 1, 1938.

Nicholas C. Huffaker to be postmaster at Hot Sulphur Springs, Colo., in place of N. C. Huffaker. Incumbent's commission expired February 10, 1938.

Robert E. McCunniff to be postmaster at La Jara, Colo., in place of R. E. McCunniff. Incumbent's commission expired February 1, 1938.

Frank Brady to be postmaster at Manassa, Colo., in place of Frank Brady. Incumbent's commission expired February 1, 1938.

William B. Giacomini to be postmaster at Sterling, Colo., in place of W. B. Giacomini. Incumbent's commission expired February 1, 1938.

Oren E. Stallings to be postmaster at Yuma, Colo., in place of O. E. Stallings. Incumbent's commission expired February 10, 1938.

## CONNECTICUT

Paul F. Sherran to be postmaster at Darien, Conn., in place of P. F. Sherran. Incumbent's commission expired February 15, 1938.

## DELAWARE

Grace E. Bright to be postmaster at St. Georges, Del. Office became Presidential July 1, 1937.

## FLORIDA

Anna W. Lewis to be postmaster at Everglades, Fla., in place of A. W. Lewis. Incumbent's commission expired February 15, 1938.

Warren J. Armstrong to be postmaster at Niceville, Fla. Office became Presidential July 1, 1937.

Burdett Loomis, Jr., to be postmaster at Pierce, Fla., in place of Burdett Loomis, Jr. Incumbent's commission expired February 10, 1938.

## GEORGIA

Ruth D. McClure to be postmaster at Acworth, Ga., in place of R. D. McClure. Incumbent's commission expired January 30, 1938.

Levi P. Grainger to be postmaster at Blackshear, Ga., in place of L. P. Grainger. Incumbent's commission expired January 30, 1938.

John W. McCallum to be postmaster at Broxton, Ga., in place of J. W. McCallum. Incumbent's commission expired February 1, 1938.

Lewis L. Wolfe to be postmaster at Brunswick, Ga., in place of L. L. Wolfe. Incumbent's commission expired February 22, 1938.

Leighton W. McPherson to be postmaster at Columbus, Ga., in place of L. W. McPherson. Incumbent's commission expired February 1, 1938.

Osep N. Ruben to be postmaster at Davisboro, Ga., in place of O. N. Ruben. Incumbent's commission expired February 28, 1938.

Wylie West to be postmaster at Decatur, Ga., in place of Wylie West. Incumbent's commission expired January 30, 1938.

Lawrence J. McPhaul to be postmaster at Doerun, Ga., in place of L. J. McPhaul. Incumbent's commission expired March 15, 1938.

Alvin W. Etheridge to be postmaster at East Point, Ga., in place of A. W. Etheridge. Incumbent's commission expired March 15, 1938.

Stanley L. Morgan to be postmaster at Fayetteville, Ga., in place of S. L. Morgan. Incumbent's commission expired February 28, 1938.

Arley D. Finley to be postmaster at Hazlehurst, Ga., in place of A. D. Finley. Incumbent's commission expired January 30, 1938.

Charles Clements to be postmaster at La Fayette, Ga., in place of Charles Clements. Incumbent's commission expired January 30, 1938.

Pearle H. Girardeau to be postmaster at McRae, Ga., in place of P. H. Girardeau. Incumbent's commission expired February 28, 1938.

B. Clayton Blanton to be postmaster at Thomasville, Ga., in place of B. C. Blanton. Incumbent's commission expired February 1, 1938.

Roy Thrasher to be postmaster at Tifton, Ga., in place of Roy Thrasher. Incumbent's commission expired February 28, 1938.

Cameron U. Young to be postmaster at Valdosta, Ga., in place of C. U. Young. Incumbent's commission expired February 1, 1938.

Lewis R. Powell to be postmaster at Villa Rica, Ga., in place of L. R. Powell. Incumbent's commission expired February 28, 1938.

Aron Otis Johnson to be postmaster at Waycross, Ga., in place of A. O. Johnson. Incumbent's commission expired February 28, 1938.

Arthur E. Horn to be postmaster at White Hall, Ga. Office became Presidential July 1, 1937.

Henry B. McCoy to be postmaster at Woodbury, Ga., in place of H. B. McCoy. Incumbent's commission expired February 22, 1938.

## ILLINOIS

James M. Allen to be postmaster at Decatur, Ill., in place of J. M. Allen. Incumbent's commission expired March 7, 1938.

Arthur B. Caughlan to be postmaster at Pittsfield, Ill., in place of A. B. Caughlan. Incumbent's commission expired January 31, 1938.

Lyle M. Cross to be postmaster at San Jose, Ill., in place of L. M. Cross. Incumbent's commission expired February 2, 1938.

Martha G. Baily to be postmaster at Table Grove, Ill., in place of M. G. Baily. Incumbent's commission expired March 7, 1938.

George A. Larimer to be postmaster at Tuscola, Ill., in place of G. A. Larimer. Incumbent's commission expired March 7, 1938.

Helen T. Fisher to be postmaster at Delavan, Ill., in place of H. L. Armacost, deceased.

## INDIANA

Harry S. Glump to be postmaster at New Harmony, Ind., in place of H. S. Glump. Incumbent's commission expired January 31, 1938.

Fred J. Merline to be postmaster at Notre Dame, Ind., in place of F. J. Merline. Incumbent's commission expired January 31, 1938.

Earl M. Miller to be postmaster at Princeton, Ind., in place of E. M. Miller. Incumbent's commission expired January 31, 1938.

## IOWA

John Miller to be postmaster at Paton, Iowa., in place of John Miller. Incumbent's commission expired February 28, 1938.

Lewis E. Mease to be postmaster at Truro, Iowa, in place of L. E. Mease. Incumbent's commission expired March 14, 1938.

## KANSAS

Arley M. Kistler to be postmaster at Leon, Kans., in place of A. M. Kistler. Incumbent's commission expired February 10, 1938.

Walter R. Ives to be postmaster at Mount Hope, Kans., in place of W. R. Ives. Incumbent's commission expired February 10, 1938.

George E. Smysor to be postmaster at Mulvane, Kans., in place of G. E. Smysor. Incumbent's commission expired February 10, 1938.

Amos A. Belsley to be postmaster at Wellington, Kans., in place of A. A. Belsley. Incumbent's commission expired February 10, 1938.

## KENTUCKY

Herman A. House to be postmaster at London, Ky., in place of H. A. House. Incumbent's commission expired February 5, 1938.

Virginia B. Pittman to be postmaster at Perryville, Ky. Office became Presidential July 1, 1937.

## LOUISIANA

Sylvester J. Folse to be postmaster at Patterson, La., in place of S. J. Folse. Incumbent's commission expired March 6, 1938.

## MAINE

Marjory D. Woolley to be postmaster at Bridgton, Maine, in place of M. D. Woolley. Incumbent's commission expired January 31, 1938.

George W. Leonard to be postmaster at Brunswick, Maine, in place of G. W. Leonard. Incumbent's commission expired January 30, 1938.

Eddie J. Roderick to be postmaster at Rumford, Maine, in place of E. J. Roderick. Incumbent's commission expired January 31, 1938.

Allie D. Richards to be postmaster at Strong, Maine, in place of A. D. Richards. Incumbent's commission expired February 15, 1938.

## MARYLAND

Bushrod P. Nash to be postmaster at Brentwood, Md., in place of B. P. Nash. Incumbent's commission expired February 20, 1938.

Frank Vodopivec, Jr., to be postmaster at Kitzmiller, Md., in place of Frank Vodopivec, Jr. Incumbent's commission expired February 10, 1938.

Ralph Sellman to be postmaster at Mount Airy, Md., in place of Ralph Sellman. Incumbent's commission expired February 20, 1938.

Charles L. Connell to be postmaster at Western Port, Md., in place of C. L. Connell. Incumbent's commission expired February 10, 1938.

Charles W. Klee to be postmaster at Westminster, Md., in place of C. W. Klee. Incumbent's commission expired February 10, 1938.

## MASSACHUSETTS

Eva Fitzpatrick to be postmaster at Allerton, Mass., in place of Eva Fitzpatrick. Incumbent's commission expired January 30, 1938.

Matthew D. E. Tower to be postmaster at Becket, Mass., in place of M. D. E. Tower. Incumbent's commission expired January 30, 1938.

Clarence R. Halloran to be postmaster at Framingham, Mass., in place of C. R. Halloran. Incumbent's commission expired February 15, 1938.

Mildred D. O'Neil to be postmaster at Hyannis Port, Mass., in place of M. D. O'Neil. Incumbent's commission expired January 30, 1938.

John R. Parker to be postmaster at Rockland, Mass., in place of J. R. Parker. Incumbent's commission expired February 15, 1938.

Harriet A. Goggin to be postmaster at Seekonk, Mass., in place of H. A. Goggin. Incumbent's commission expired February 10, 1938.

Mary E. Joseph to be postmaster at Truro, Mass., in place of M. E. Joseph. Incumbent's commission expired January 30, 1938.

Charles E. Cook to be postmaster at Uxbridge, Mass., in place of C. E. Cook. Incumbent's commission expired February 10, 1938.

Roger W. Cahoon, Jr., to be postmaster at West Harwich, Mass., in place of R. W. Cahoon, Jr. Incumbent's commission expired February 15, 1938.

## MICHIGAN

Morton G. Wells to be postmaster at Byron Center, Mich., in place of M. G. Wells. Incumbent's commission expired January 30, 1938.

LXXXIII—238

William H. Cuthbertson to be postmaster at Ludington, Mich., in place of W. H. Cuthbertson. Incumbent's commission expired January 30, 1938.

Charles P. Sawyer to be postmaster at Newaygo, Mich., in place of C. P. Sawyer. Incumbent's commission expired February 15, 1938.

Eva A. Wurzburg to be postmaster at Northport, Mich., in place of E. A. Wurzburg. Incumbent's commission expired January 30, 1938.

Jerome Wilhelm to be postmaster at Traverse City, Mich., in place of Jerome Wilhelm. Incumbent's commission expired January 30, 1938.

John F. Lyons to be postmaster at White Cloud, Mich., in place of J. F. Lyons. Incumbent's commission expired January 30, 1938.

## MINNESOTA

Cora O. Smith to be postmaster at Bayport, Minn., in place of C. O. Smith. Incumbent's commission expired January 31, 1938.

Reginald F. Ferrin to be postmaster at Mantorville, Minn., in place of F. E. Joslyn, deceased.

## MISSISSIPPI

Harry L. Callicott to be postmaster at Coldwater, Miss., in place of H. L. Callicott. Incumbent's commission expired January 30, 1938.

Finley B. Hewes to be postmaster at Gulfport, Miss., in place of F. B. Hewes. Incumbent's commission expired January 30, 1938.

Johnnie L. Posey to be postmaster at Philadelphia, Miss., in place of J. L. Posey. Incumbent's commission expired March 6, 1938.

Leroy N. Mixon to be postmaster at Shubuta, Miss., in place of L. N. Mixon. Incumbent's commission expired February 15, 1938.

Walter L. Collins to be postmaster at Union, Miss., in place of W. L. Collins. Incumbent's commission expired January 30, 1938.

## MISSOURI

Nat M. Snider to be postmaster at Cape Girardeau, Mo., in place of N. M. Snider. Incumbent's commission expired March 6, 1938.

Elizabeth Farnan to be postmaster at Clyde, Mo., in place of Elizabeth Farnan. Incumbent's commission expired March 6, 1938.

Ora Lee Dean to be postmaster at Dearborn, Mo., in place of O. L. Dean. Incumbent's commission expired March 6, 1938.

Joseph F. Hargis to be postmaster at Downing, Mo., in place of J. F. Hargis. Incumbent's commission expired March 6, 1938.

Theodore G. Robinson to be postmaster at Maryville, Mo., in place of T. G. Robinson. Incumbent's commission expired March 6, 1938.

Earl F. Wiek to be postmaster at Rich Hill, Mo., in place of E. F. Wiek. Incumbent's commission expired February 20, 1938.

Gertrude R. Maupin to be postmaster at Watson, Mo., in place of G. R. Maupin. Incumbent's commission expired February 10, 1938.

Martin E. Gardner to be postmaster at Koch, Mo. Office became Presidential July 1, 1936.

## NEW HAMPSHIRE

Albert J. Picard to be postmaster at Derry, N. H., in place of A. J. Picard. Incumbent's commission expired February 2, 1938.

Edward K. Sweeney to be postmaster at Exeter, N. H., in place of E. K. Sweeney. Incumbent's commission expired February 2, 1938.

## NEW MEXICO

James W. Patterson to be postmaster at Fort Sumner, N. Mex., in place of J. W. Patterson. Incumbent's commission expired February 10, 1938.



## NORTH CAROLINA

T. Coleman Galloway to be postmaster at Brevard, N. C., in place of T. C. Galloway. Incumbent's commission expired January 31, 1938.

Berder B. Long to be postmaster at Cullowhee, N. C., in place of B. B. Long. Incumbent's commission expired February 15, 1938.

John W. Coleman to be postmaster at Greensboro, N. C., in place of J. W. Coleman. Incumbent's commission expired February 1, 1938.

Frederick R. Jones to be postmaster at Hayesville, N. C., in place of F. R. Jones. Incumbent's commission expired February 1, 1938.

May Calvert to be postmaster at Jackson, N. C., in place of May Calvert. Incumbent's commission expired February 1, 1938.

Paul Green to be postmaster at Thomasville, N. C., in place of Paul Green. Incumbent's commission expired January 31, 1938.

William H. Stearns to be postmaster at Tryon, N. C., in place of W. H. Stearns. Incumbent's commission expired February 15, 1938.

Wilbur R. Doshier to be postmaster at Wilmington, N. C., in place of W. R. Doshier. Incumbent's commission expired January 31, 1938.

## OHIO

Carroll S. Irvin to be postmaster at Adena, Ohio, in place of C. S. Irvin. Incumbent's commission expired March 14, 1938.

Ira A. Foglesong to be postmaster at Barnesville, Ohio, in place of I. A. Foglesong. Incumbent's commission expired March 14, 1938.

Edward R. Reichenbach to be postmaster at Bluffton, Ohio, in place of E. R. Reichenbach. Incumbent's commission expired February 15, 1938.

Herman A. Schafer to be postmaster at Bridgeport, Ohio, in place of H. A. Schafer. Incumbent's commission expired February 1, 1938.

Sam F. Dickerson to be postmaster at Cadiz, Ohio, in place of S. F. Dickerson. Incumbent's commission expired February 1, 1938.

Abner C. Barnhouse to be postmaster at Caldwell, Ohio, in place of A. C. Barnhouse. Incumbent's commission expired March 14, 1938.

James J. Zerla to be postmaster at Dillonvale, Ohio, in place of J. J. Zerla. Incumbent's commission expired March 14, 1938.

Willard R. Hower to be postmaster at Dolyestown, Ohio, in place of W. R. Hower. Incumbent's commission expired February 15, 1938.

Ralph C. Benedum to be postmaster at East Liverpool, Ohio, in place of R. C. Benedum. Incumbent's commission expired February 15, 1938.

Charles F. Hildebolt to be postmaster at Eaton, Ohio, in place of C. F. Hildebolt. Incumbent's commission expired February 15, 1938.

Frank J. McCauley to be postmaster at Marietta, Ohio, in place of F. J. McCauley. Incumbent's commission expired March 14, 1938.

James A. Anderson to be postmaster at Millersburg, Ohio, in place of J. A. Anderson. Incumbent's commission expired February 1, 1938.

Robert L. Hagerty to be postmaster at Mingo Junction, Ohio, in place of R. L. Hagerty. Incumbent's commission expired February 15, 1938.

Ruth H. Brinkman to be postmaster at Minster, Ohio, in place of R. H. Brinkman. Incumbent's commission expired February 1, 1938.

Roland E. Jackson to be postmaster at Neffs, Ohio, in place of R. E. Jackson. Incumbent's commission expired March 14, 1938.

Clarence J. Bartel to be postmaster at Piqua, Ohio, in place of C. J. Bartel. Incumbent's commission expired February 1, 1938.

Charles A. Ferren to be postmaster at St. Clairsville, Ohio, in place of C. A. Ferren. Incumbent's commission expired February 15, 1938.

John E. Kassell to be postmaster at South Zanesville, Ohio, in place of J. E. Kassell. Incumbent's commission expired February 15, 1938.

Arnold M. Speir to be postmaster at State Soldiers Home, Ohio, in place of A. M. Speir. Incumbent's commission expired February 15, 1938.

James Connor to be postmaster at Toronto, Ohio, in place of James Connor. Incumbent's commission expired February 15, 1938.

Algy R. Murphy to be postmaster at Troy, Ohio, in place of A. R. Murphy. Incumbent's commission expired February 1, 1938.

Charles A. Trinter to be postmaster at Vermilion, Ohio, in place of C. A. Trinter. Incumbent's commission expired February 15, 1938.

Dale Kessel to be postmaster at Wellsville, Ohio, in place of Dale Kessel. Incumbent's commission expired February 1, 1938.

Charles R. Treon to be postmaster at West Carrollton, Ohio, in place of C. R. Treon. Incumbent's commission expired February 1, 1938.

Robert Wilson to be postmaster at Westerville, Ohio, in place of Robert Wilson. Incumbent's commission expired March 14, 1938.

## OKLAHOMA

Mary B. Weathers to be postmaster at Grove, Okla., in place of M. B. Weathers. Incumbent's commission expired March 7, 1938.

Laura L. Bennett to be postmaster at Mountain Park, Okla., in place of L. L. Bennett. Incumbent's commission expired March 7, 1938.

James T. Norton to be postmaster at Nowata, Okla., in place of J. T. Norton. Incumbent's commission expired March 7, 1938.

James McK. Williams to be postmaster at Walters, Okla., in place of J. McK. Williams. Incumbent's commission expired March 7, 1938.

## OREGON

Georgia G. Casebeer to be postmaster at Bly, Oreg. Office became Presidential July 1, 1937.

Ruby O. Roberts to be postmaster at Ione, Oreg., in place of R. O. Roberts. Incumbent's commission expired February 15, 1938.

## PENNSYLVANIA

Stanley C. Croop to be postmaster at Hunlock Creek, Pa., in place of S. C. Croop. Incumbent's commission expired February 1, 1938.

Harry R. Schalcher to be postmaster at Newtown Square, Pa., in place of H. O. Broadbelt, removed.

## RHODE ISLAND

John J. McCabe to be postmaster at Pontiac, R. I., in place of J. J. McCabe. Incumbent's commission expired January 31, 1938.

## SOUTH CAROLINA

Hattie J. Peebles to be postmaster at Varnville, S. C., in place of H. J. Peebles. Incumbent's commission expired March 8, 1938.

Bessie B. Gasque to be postmaster at Marion, S. C., in place of J. H. Gasque, deceased.

## SOUTH DAKOTA

Gertrude S. Severson to be postmaster at Brandt, S. Dak., in place of G. S. Severson. Incumbent's commission expired February 20, 1938.

George M. Foltz to be postmaster at Herrick, S. Dak., in place of G. M. Foltz. Incumbent's commission expired February 10, 1938.

J. Russell Andersen to be postmaster at Irene, S. Dak., in place of J. R. Andersen. Incumbent's commission expired March 8, 1938.

Anna A. Dithmer to be postmaster at Kadoka, S. Dak., in place of A. A. Dithmer. Incumbent's commission expired February 10, 1938.

## TENNESSEE

William B. Olds to be postmaster at Cottagegrove, Tenn., in place of W. B. Olds. Incumbent's commission expired January 31, 1938.

## TEXAS

Leslie L. Cates to be postmaster at Ben Wheeler, Tex., in place of L. L. Cates. Incumbent's commission expired February 22, 1938.

William T. Burnett to be postmaster at Brownsville, Tex., in place of W. T. Burnett. Incumbent's commission expired February 10, 1938.

Gilbert McGloin to be postmaster at Corpus Christi, Tex., in place of Gilbert McGloin. Incumbent's commission expired February 10, 1938.

Kathleen H. Corn to be postmaster at Crockett, Tex., in place of K. H. Corn. Incumbent's commission expired February 10, 1938.

Lonnie Childs to be postmaster at Fairfield, Tex., in place of Lonnie Childs. Incumbent's commission expired February 10, 1938.

Imogene B. Dunn to be postmaster at Goldsmith, Tex. Office became Presidential October 1, 1937.

Arch A. Gary to be postmaster at Henderson, Tex., in place of A. A. Gary. Incumbent's commission expired February 10, 1938.

Samuel C. Rhinehart to be postmaster at Iraan, Tex., in place of S. C. Rhinehart. Incumbent's commission expired February 22, 1938.

Esther L. Berry to be postmaster at Joinerville, Tex., in place of E. L. Berry. Incumbent's commission expired February 10, 1938.

Georgia C. Wolfe to be postmaster at Lefors, Tex., in place of G. C. Wolfe. Incumbent's commission expired February 10, 1938.

Harry S. Merts to be postmaster at McAllen, Tex., in place of H. S. Merts. Incumbent's commission expired February 10, 1938.

Evlyn M. Berry to be postmaster at Mesquite, Tex., in place of E. M. Berry. Incumbent's commission expired February 10, 1938.

Philpott Karner to be postmaster at Mexia, Tex., in place of Philpott Karner. Incumbent's commission expired February 10, 1938.

John A. Nicholson to be postmaster at Sanger, Tex., in place of J. A. Nicholson. Incumbent's commission expired February 10, 1938.

Paullin J. Fowler to be postmaster at South San Antonio, Tex., in place of Mrs. Charles S. (Paullin J.) Fowler. Incumbent's commission expired February 10, 1938.

## UTAH

Wells P. Starley to be postmaster at Fillmore, Utah, in place of W. P. Starley. Incumbent's commission expired February 20, 1938.

James Walton to be postmaster at Tremonton, Utah, in place of James Walton. Incumbent's commission expired February 20, 1938.

## VIRGINIA

Harry B. Jordan to be postmaster at Bedford, Va., in place of H. B. Jordan. Incumbent's commission expired March 14, 1938.

David J. Garber to be postmaster at Fort Belvoir, Va., in place of D. J. Garber. Incumbent's commission expired February 10, 1938.

Alfred C. Darden to be postmaster at Fortress Monroe, Va., in place of A. C. Darden. Incumbent's commission expired March 14, 1938.

Emmett L. Allen to be postmaster at Glenallen, Va., in place of E. L. Allen. Incumbent's commission expired February 10, 1938.

Lucy M. Wing to be postmaster at Greenway, Va., in place of L. M. Wing. Incumbent's commission expired February 10, 1938.

John W. Burger to be postmaster at Natural Bridge, Va., in place of J. W. Burger. Incumbent's commission expired February 10, 1938.

## WASHINGTON

Orris E. Marine to be postmaster at Colton, Wash., in place of O. E. Marine. Incumbent's commission expired February 28, 1938.

Adrian C. Gehres to be postmaster at Connell, Wash., in place of A. C. Gehres. Incumbent's commission expired February 15, 1938.

Oscar W. Behrmann to be postmaster at Fairfield, Wash., in place of O. W. Behrmann. Incumbent's commission expired February 15, 1938.

Gerald H. McFaul to be postmaster at Ione, Wash., in place of G. H. McFaul. Incumbent's commission expired February 15, 1938.

James B. Robertson to be postmaster at Kettle Falls, Wash., in place of J. B. Robertson. Incumbent's commission expired January 30, 1938.

Raymond A. Landgraf to be postmaster at Klickitat, Wash., in place of R. A. Landgraf. Incumbent's commission expired February 28, 1938.

I. Wells Littlejohn to be postmaster at Pateros, Wash., in place of I. W. Littlejohn. Incumbent's commission expired January 31, 1938.

George P. Fishburne to be postmaster at Tacoma, Wash., in place of G. P. Fishburne. Incumbent's commission expired February 15, 1938.

## WEST VIRGINIA

Julius W. Singleton to be postmaster at Charleston, W. Va., in place of J. W. Singleton. Incumbent's commission expired February 28, 1938.

Thomas R. Moore to be postmaster at Charles Town, W. Va., in place of T. R. Moore. Incumbent's commission expired February 20, 1938.

John W. Fisher to be postmaster at Moorefield, W. Va., in place of J. W. Fisher. Incumbent's commission expired March 15, 1938.

Frederick W. Horchler to be postmaster at Newburg, W. Va., in place of F. W. Horchler. Incumbent's commission expired March 15, 1938.

Ruskin J. Wiseman to be postmaster at Summersville, W. Va., in place of R. J. Wiseman. Incumbent's commission expired February 20, 1938.

## WISCONSIN

Charles N. Cody to be postmaster at Antigo, Wis., in place of C. N. Cody. Incumbent's commission expired February 10, 1938.

John Heindl to be postmaster at Barton, Wis., in place of John Heindl. Incumbent's commission expired February 10, 1938.

John J. Riordan to be postmaster at Beloit, Wis., in place of J. J. Riordan. Incumbent's commission expired January 30, 1938.

Homer J. Samson to be postmaster at Cameron, Wis., in place of H. J. Samson. Incumbent's commission expired February 10, 1938.

Ted Cole to be postmaster at Cashton, Wis., in place of Ted Cole. Incumbent's commission expired February 10, 1938.

Frank R. Hughes to be postmaster at Chippewa Falls, Wis., in place of F. R. Hughes. Incumbent's commission expired January 30, 1938.



Earl F. Moldenhauer to be postmaster at Clintonville, Wis., in place of E. F. Moldenhauer. Incumbent's commission expired February 10, 1938.

Frank J. Shortner to be postmaster at Edgar, Wis., in place of F. J. Shortner. Incumbent's commission expired February 10, 1938.

Charles L. Haessly to be postmaster at Ellsworth, Wis., in place of C. L. Haessly. Incumbent's commission expired March 7, 1938.

Oliver E. Neuens to be postmaster at Fredonia, Wis., in place of O. E. Neuens. Incumbent's commission expired January 30, 1938.

Alphonse J. McGuire to be postmaster at Highland, Wis., in place of A. J. McGuire. Incumbent's commission expired February 20, 1938.

Cyril H. Eldridge to be postmaster at Hilbert, Wis., in place of C. H. Eldridge. Incumbent's commission expired February 20, 1938.

Leo J. Ford to be postmaster at Janesville, Wis., in place of L. J. Ford. Incumbent's commission expired February 20, 1938.

Esther Cody to be postmaster at Lone Rock, Wis., in place of Esther Cody. Incumbent's commission expired February 10, 1938.

Leo M. Meyer to be postmaster at Loyal, Wis., in place of L. M. Meyer. Incumbent's commission expired January 30, 1938.

Earl D. Young to be postmaster at Melrose, Wis., in place of E. D. Young. Incumbent's commission expired January 30, 1938.

Levy Williamson to be postmaster at Mineral Point, Wis., in place of Levy Williamson. Incumbent's commission expired January 30, 1938.

Frank Hanley to be postmaster at North Freedom, Wis., in place of Frank Hanley. Incumbent's commission expired February 10, 1938.

Meridan D. Anderson to be postmaster at Omro, Wis., in place of M. D. Anderson. Incumbent's commission expired March 7, 1938.

W. Joseph Hand to be postmaster at Random Lake, Wis., in place of W. J. Hand. Incumbent's commission expired February 10, 1938.

Stephen J. McShane to be postmaster at Rice Lake, Wis., in place of S. J. McShane. Incumbent's commission expired January 30, 1938.

Mable A. DeWitt to be postmaster at Sayner, Wis., in place of M. A. DeWitt. Incumbent's commission expired February 10, 1938.

Grover E. Falck to be postmaster at Seymour, Wis., in place of G. E. Falck. Incumbent's commission expired March 7, 1938.

Charles F. Heald to be postmaster at Sheboygan Falls, Wis., in place of C. F. Heald. Incumbent's commission expired January 30, 1938.

Malcolm R. Dalton to be postmaster at Silverlake, Wis., in place of M. R. Dalton. Incumbent's commission expired February 20, 1938.

George W. Shenkenberg to be postmaster at Waterford, Wis., in place of G. W. Shenkenberg. Incumbent's commission expired January 30, 1938.

Frank P. O'Meara to be postmaster at West Bend, Wis., in place of F. P. O'Meara. Incumbent's commission expired February 10, 1938.

Edward Laneville to be postmaster at Withee, Wis., in place of Edward Laneville. Incumbent's commission expired February 20, 1938.

Albert Hansen to be postmaster at New Lisbon, Wis., in place of M. E. Kennedy, deceased.

#### WYOMING

Jennie L. Huston to be postmaster at Daniel, Wyo. Office became Presidential July 1, 1937.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate March 21 (legislative day of January 5), 1938*

#### UNITED STATES MARSHAL

William Thomas Dowd to be United States marshal for the middle district of North Carolina.

#### POSTMASTERS

##### GEORGIA

Marion C. Farrar, Avondale Estates.  
Olin L. Spence, Carrollton.  
Paul C. Sewell, Cave Spring.  
Ruth A. Redmond, Chatsworth.  
John A. Walker, Cochran.  
Sara B. Green, Fairburn.  
Fannie M. Vaughn, Jeffersonville.  
Jane M. Wilkes, Lincolnton.  
Arthur B. Caldwell, Smyrna.  
Mamie G. White, Stone Mountain.  
Bertha L. Boyd, Union Point.  
Robert B. Bryan, Wrightsville.

##### IOWA

Bernard G. Remmes, Charter Oak.  
Lillian E. Wicks, Minburn.

##### NORTH CAROLINA

James A. Bonner, Aurora.  
G. Leslie Hensley, Burnsville.  
Clinton E. Bolick, Conover.  
Vivian T. Davis, Forest City.  
Newberry McDevitt, Marshall.  
Oscar L. Phillips, Matthews.  
Columbus L. Biggerstaff, Rutherfordton.

## HOUSE OF REPRESENTATIVES

MONDAY, MARCH 21, 1938

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Regard our supplication, O Lord, and grant us Thy blessing. We thank Thee for Thy pardoning mercies, so countless and so free. We pray that we may show forth Thy praise in our daily conduct. Under the influence and guidance of Thy spirit help us to come into a larger knowledge and liberty as the sons of God. May we cherish a great faith in the possibilities and future of our homeland. O cleanse the channels of our national life and pour into them health and purity, bearing away evil and all unwholesome things. As Thou dost love mercy, oh, may the love of country dwell in the hearts of devout millions, leaving them purer and braver for the vision that is to come. We do not ask to see the distant scene, but we pray for the eyes of vision, for the arms of faith, and for the feet of obedience. Today make our duty our delight. In the name of Jesus our Savior. Amen.

The Journal of the proceedings of Friday, March 18 was read and approved.

#### H. NEWLIN MEGILL

The SPEAKER laid before the House the following communication from the Clerk of the House:

The Honorable WILLIAM B. BANKHEAD,

*Speaker of the House of Representatives*

SIR: Desiring to be temporarily absent from my office, I hereby designate Mr. H. Newlin Megill, an official in my office, to sign any and all papers for me which he would be authorized to sign by virtue of this designation and of clause 4, rule III, of the House.

Respectfully yours,

SOUTH TRIMBLE,

*Clerk of the House of Representatives.*

Mr. PFEIFER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE LATE GEORGE W. LINDSAY

Mr. PFEIFER. Mr. Speaker, it becomes my sad duty today to announce to the House the death of a true public servant, your friend and my predecessor and friend, the late Hon. George W. Lindsay, on Wednesday, March 16.

Mr. Lindsay, known to us and who wished to be called by us as George, gave many years of his life to public service. This calling for public duty was inherited from his father, George Henry Lindsay, who at one time was also a Member of this honorable body for 12 years.

George, after rendering laudable service to the people of the district in which he lived, as an assemblyman, State committeeman, and tenement-house commissioner, was sent here in 1923 by the people of his district as their Representative in Congress. George had rendered valuable service while a Member of this body until 1935. Back home in his district he was a father to all of us. His clear judgment and common-sense understanding will not only be missed by the people of the Third Congressional District of New York but also by the Nation at large.

#### ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes to ask the majority leader a question relative to the program.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Can the majority leader tell us what the program will be for the balance of the afternoon following the vote on the Navy bill, and also the program for the next 2 or 3 days?

Mr. RAYBURN. Following the vote on the Navy bill the Consent Calendar will be called. The Speaker then intends to recognize the gentleman from Indiana [Mr. GRISWOLD] to move to suspend the rules on a bill reported by the Veterans' Committee for the pensioning of widows and orphans of certain disabled and deceased ex-service men. I understand the Speaker will recognize one further suspension on a bill reported by the Appropriations Committee with reference to some expenses in connection with the Constitution Sesquicentennial.

Mr. SNELL. Will the gentleman tell us a little more about that?

Mr. RAYBURN. The gentleman from Virginia [Mr. WOODRUM] is here and can tell us better than I. I yield to him for that purpose.

Mr. WOODRUM. It is House Joint Resolution 623 reported unanimously by the Committee on Appropriations. This bill makes additional appropriations for the Constitution Sesquicentennial Commission.

Mr. SNELL. You decided to do it by suspension and not give the House an opportunity really to discuss it; is that the idea?

Mr. WOODRUM. It is reported with the unanimous approval of the Committee on Appropriations, the minority members of the committee concurring, I may say to the gentleman.

Mr. RAYBURN. I understand this was a matter carried in the independent offices bill.

Mr. WOODRUM. It was matter carried in the regular independent offices bill but the Appropriations Committee desired to look into it further, so it was deleted from the independent offices bill. Further investigation with reference to it was had by the committee with the result that the committee unanimously—and that includes the minority members—are in accord on this procedure.

Mr. RAYBURN. Further answering the gentleman from New York, Mr. Speaker, the conference report on the District

of Columbia appropriation bill is ready. I understand it is entirely noncontroversial. That may come up late in the afternoon if time is left after disposing of these other matters; also the conferees are ready on the Post Office-Treasury bill, and that will come up sometime during the week—today, tomorrow, or Wednesday.

Mr. SNELL. Will that be the first order of business tomorrow?

Mr. RAYBURN. The conference report on the independent offices bill has the right-of-way tomorrow by agreement.

Mr. SNELL. Then you expect to follow with these other conference reports?

Mr. RAYBURN. As I said, we may take up the District of Columbia conference report this afternoon if we have time.

It is the intention on Wednesday to call part of the calendar of committees. On Thursday there will be general debate on the War Department appropriation bill.

[Here the gavel fell.]

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute. The gentleman from Texas [Mr. MANSFIELD], chairman of the Committee on Rivers and Harbors, desires to ask a question.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. MANSFIELD. If the Fort Peck bill should be objected to when it is called on the Consent Calendar, would I be in order today to move a suspension of the rules for its consideration?

Mr. RAYBURN. The matter of recognition to move to suspend the rules is entirely in the hands of the Speaker, I may say to my colleague from Texas.

Mr. MAPES. Will the gentleman repeat his request?

Mr. RAYBURN. The gentleman from Texas [Mr. MANSFIELD] asked me if the Fort Peck Dam proposition was objected to when it was taken up on the Consent Calendar would it be in order for him to move to suspend the rules? My answer was that that was entirely a matter in the hands of the Speaker.

#### EXTENSION OF REMARKS

Mr. HAINES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include an address delivered by our colleague the gentleman from Alabama [Mr. LUTHER PATRICK].

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MEAD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record on the life and deeds of Brigadier General Krzyzanowski.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a radio speech I made over the Columbia network on Saturday.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a speech delivered by Ambassador Joseph J. Kennedy before the Pilgrims Club in London last Friday night.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. LEAVY asked and was given permission to extend his own remarks in the Record.



## COMMITTEE ON PATENTS

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent that a Subcommittee on Patents may have the privilege of holding hearings tomorrow afternoon during the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. KRAMER. Mr. Speaker, I object.

## EXTENSION OF REMARKS

Mr. ATKINSON asked and was given permission to extend his own remarks in the RECORD.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief editorial on the life of Glenn Cunningham, of Arkansas.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

## PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include in connection therewith copy of a resolution which I am today introducing.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am today introducing a resolution because Austria owes the United States the sum of \$26,000,000, as the Members of the House know. This money is due the United States Government and \$35,000,000 is owed to banks and private individuals. I am sure you will join with me in requesting the Secretary of State to endeavor to secure from Germany the collection of the debt which Austria owes to us, in view of the fact that Germany has now taken over control of Austria. I think it may also be suggested to Germany that she pay her own debts, because she seems to have money to raise and equip an army and march her men into territory not her own. If Germany has the money to do these things, she certainly ought to pay every penny she owes us and every penny that Austria owes us.

The resolution I am today introducing reads as follows:

*Resolved*, That it is the sense of the House of Representatives that, in view of the uncertainty and confusion arising from current change in the Government of Austria, the Secretary of State should proceed promptly to clarify the status of public and private obligations of the Government of Austria and the people thereof to the Government of the United States and the people thereof respectively, and to secure assurances that the Republic of Germany assume the liability for such public obligations of the Government of Austria and protect to the fullest extent of its power the sanctity of such private obligations.

## EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio speech made by Hugh Johnson on the reorganization bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. McFARLANE. Mr. Speaker, reserving the right to object, what is the nature of his remarks?

Mr. FISH. Just a few truths about the reorganization bill.

Mr. McFARLANE. I do not think it is possible for him to do that; therefore, I object.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD and to include therein an exhibit from the National Conference on Work and Security.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. OLIVER. Mr. Speaker, we are about to vote on final passage of the authorization bill for increased naval expansion. For one whole week in this House we have been urged to prepare adequate national defense against potential enemies of this Nation from without.

The greatest immediate menace to the welfare, traditions, and character of America, however, in my opinion, is found within our borders. I refer to the continuing and increasing unemployment which is eating away the vitals of this great country. It is indeed a cancerous condition and requires something more than palliative measures.

But on Saturday, March 19, concrete evidence was furnished that even these palliative measures are not adequate. I attended the supper meal to which the Members of Congress were invited by the National Conference on Work and Security and for your information, I am enclosing at this point the menu for that meal which was a specific illustration of the tragic condition facing millions of American citizens who are today scratching for existence outside of the pale of organized society.

## RELIEF VOUCHER

MARCH 19, 1938.

To one guest of National Conference on Work and Security.  
At Lee House, Fifteenth and L Streets NW., Washington, D. C.  
Good for one relief dinner.

## Menu

Chuck, 2½ ounces, 3 cents.  
Potatoes, 2½ ounces, one-fourth cent.  
Carrots, 2 ounces, one-fourth cent.  
Onions, 1½ ounces, one-fourth cent.  
Fruit, one-half apple, one-half cent.  
Bread, one-sixteenth loaf, one-half cent.  
Oleo, three-tenths cent.  
Coffee, one-fourth ounce, one-fourth cent.  
Sugar, four-tenths ounce, one-eighth cent.  
Evaporated milk, one-twelfth can, six-tenths cent.

This dinner is based on the average budget per person given to those on relief in the United States. The average relief budget is \$22 a month per family—to include all living expenses.

For purposes of this dinner, the entire budget has been used for food.

Your share, assuming a family of four, is 6 cents for this meal based on retail food prices.

NATIONAL CONFERENCE ON WORK AND SECURITY,  
MARY GORMAN, Acting Secretary.

I hope that a similar exhibition of equally vociferous and aggressive support will greet the W. P. A. appropriation bill for 1939 as has been evidenced during the naval debate of the past week.

Unemployment in America is a domestic foe of infinitely greater menace to this Nation than any foreign foe ever could be.

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include an address I delivered at the First Congregational Church, Washington, D. C., on yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. THOMAS of New Jersey asked and was given permission to extend his own remarks in the RECORD.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two addresses I made at Grand Rapids, Mich., and Detroit, Mich.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## RESIDENTS OF NORRISTOWN, TENN.

Mr. TABER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, I hold in my hand a list of the residents of Norristown, Tenn., in the T. V. A. area, which contains information as to their addresses and their salaries in 1936 and 1937. This list indicates a 25-percent increase in salaries. The city manager of this town of 300 houses is being paid by the T. V. A. \$6,000 a year, whereas, in Knoxville,

just a few doors away, a city of 100,000, the city manager receives a salary of \$7,200.

For this town the Government maintains at Government expense a large dairy herd of 70 registered cows for the benefit of this town. The list follows:

*Residents of Norristown, with titles and salaries, listed for fiscal years ending 1936 and 1937*

Resident	Address	Title	Salary, 1936	Salary, 1937
Abercrombie, Mable.	103 Hilltop Lane.	Clerk-typist.		\$1,500
Allen, Chas. W., Jr.	130 Pine Rd.	Cost engineer.	\$2,000	2,300
Arthur, L. W.	40 West Norris Rd.	Accountant.	2,600	2,700
Augur, Tracy B.	93 Pine Rd.	Assistant director, land planning.	6,000	6,000
Barber, Mrs. Dorothy G.	145 Garden Rd.	Family relocation administrative assistant.	2,600	
Bassell, J. Burr.	88 Dale Rd.	Mechanical engineer.	2,300	2,900
Beard, E. Grace.	73 Pine Rd.	Clerk.	2,300	2,300
Bennett, Geo. P.	127 Crescent Rd.	Estimator.	1,800	
Bentzel, Carl.	110 Crescent Rd.	Draftsman.		1,880
Bertram, W. C.	40 East Norris Rd.	Hydraulic engineer.	3,200	3,300
Biggs, E. F.	109 West Norris Rd.	Switchboard operator.		1,800
Billingsley, H. W.	Freeway.	Structural engineer.		3,200
Bishop, C. Evelyn.	95 Hilltop Lane.	Linesman.	1,620	2,000
Bowman, H. C.	Garden Rd.	Dormitory superintendent.		1,500
Bradner, J. W., Jr.	8 East Circle Rd.	Plumber.	1,800	2,000
Brown, Wm. N.	103 Pine Rd.	Norristown manager.	5,200	6,000
Buchanan, Eleanor V.	133 West Norris Rd.	Accounting clerk.	1,620	1,680
Burrage, C. H.	77 Pine Rd.	Clerk-stenographer.		1,620
Burt, C. F.	83 West Norris Rd.	Assistant management chief.	4,000	4,000
Cahn, Alvin R.	218 Oak Rd.	Electrician.	1,800	2,000
Campbell, Robert A.	50 Dogwood Rd.	Forestry aide.	4,500	4,600
Case, Clyde.	Sequoyah Landing.	Forester.	2,300	2,600
Chaffee, R. W.	115 Dale Rd.	Forestry guard.	2,000	2,100
Clapp, Gordon R.	34 West Circle Rd.	Forest ranger.	2,100	2,100
Clawson, James P.	100 Dale Rd.	Accountant.	4,000	4,000
Cobb, Bennie C.	86 Pine Rd.	Director of personnel.	7,200	7,500
Connerat, E. B.	122 Hilltop Lane.	Hydraulic engineer.	2,300	2,400
Cortright, H. M.	91 Orchard Rd.	Forestry aide.	2,300	2,600
Craig, R. L.	137 Crescent Rd.	Forester.	1,620	1,800
Crosson, Robert G.	58 Pine Rd.	Engineering aide.	1,620	1,800
Crounse, Geo. P.	3 Hilltop Lane.	Hydraulic engineer.	2,000	2,100
Darwin, Wm. N.	107 Pine Rd.	Plant manager.	2,900	2,900
Davis, C. D.	111 Pine Rd.	Administrative assistant.	3,600	3,600
Davis, Calvin V.	44 West Norris Rd.	Forester.	2,300	3,000
Davis, Christopher C.	122 Orchard Rd.	Accounting clerk.	2,600	2,600
Davis, Roy E.	148 Hilltop Lane.	Hydraulic engineer.	6,000	6,000
Deaderick, David A.	120 Hilltop Lane.	Erosion engineer.	2,900	2,900
Demboski, Henry.	37 Dogwood Rd.	Civil engineer.	1,620	2,000
Dewson, Geo. D., Jr.	119 Pine Rd.	Engineering aide.	2,000	2,000
Dill, Malcolm H.	29 Dogwood Rd.	Ceramic engineer.	1,800	2,300
Draper, Earl S.	114 Dale Rd.	Engineering aide.	1,800	2,000
Dubois, Chas. M.	11 East Norris Rd.	Hydraulic engineer.	1,800	2,000
Duff, Robert F.	105 Crescent Rd.	Physical science aide.	2,000	2,000
Eichbaum, William M.	128 Hilltop Lane.	Ceramic engineer.	1,800	2,300
Epler, E. P.	212 Oak Rd.	Engineering aide.	1,800	2,000
Ewald, Arden A.	126 Orchard Rd.	Electrical inspector.	2,000	2,100
Faris, F. L.	140 Hilltop Lane.	Construction inspector.	2,600	3,200
Farris, G. B.	128 Pine Rd.	Structural engineer.	1,620	1,680
Ferris, John P.	11 West Circle Rd.	Agricultural aide.	2,600	2,600
Foster, George W.	15 West Circle Rd.	Chief demonstration section.	5,200	
Frame, Edith M.	222 Oak Rd.	Acting director.		5,200
Franco, H. R.	107 Orchard Rd.	Hydraulic engineer.	4,000	4,000
Frank, Bernard.	31 Dogwood Rd.	Clerk-typist.	1,620	
Frankson, Alfred B.	142 Hilltop Lane.	Draftsman.	2,000	2,000
George, Burl.	43 West Circle Rd.	Assistant chief forester.	5,200	5,200
George, Robert B.	55 Dogwood Rd.	Police officer.	1,620	1,620
Gloster, A. S.	96 Dale Rd.	Adult education aide.	1,620	1,620
Gossett, A. L.	47 West Circle Rd.	Electrical engineer.	3,200	3,300
Gould, R. E.	123 Pine Rd.	Engineering aide.	2,300	2,300
Goulden, J. J.	13 East Circle Rd.	Supply clerk.	1,620	1,800
Grandgent, Louis.	70 Pine Rd.	Ceramic engineer.	6,000	6,000
Hage, Harry C.	77 West Norris Rd.	Forest development aide.		
Hair, Andrew C.	154 Garden Rd.	Forester.	4,000	4,000
Hamilton, Stanley W.	57 Pine Rd.	Architectural engineer.	3,600	
Hartman, E. H.	116 West Norris Rd.	Architect.		3,800
		Switchboard operator.	1,800	2,200
		Supply clerk.	1,620	1,620
		Forester.	2,900	2,900
		Civil engineer.	2,600	2,600

*Residents of Norristown, with titles and salaries, listed for fiscal years ending 1936 and 1937—Continued*

Resident	Address	Title	Salary, 1936	Salary, 1937
Harvey, Irving W.	104 Pine Rd.	Physical science aide.	\$1,620	
Haun, Roland C.	126 Pine Rd.	Chemist.	(1)	\$2,000
Hedquist, Alfred J.	54 Dogwood Rd.	Lineman.		2,000
Henderson, William R.	123 Orchard Rd.	Electrician.	3,200	3,600
Henley, Maurice.	103 Orchard Rd.	Ceramic chemist.	1,800	2,600
Hickox, Geo. H.	21 East Norris Rd.	Ceramic engineer.	4,000	4,000
Holsclaw, James L.	154 Oak Rd.	Accounting clerk.		2,600
Hoppe, Theo C.	17 East Circle Rd.	Information assistant.		4,000
Houston, Edward C.	119 Orchard Rd.	Chief information section.		
Howell, John J.	146 Crescent Rd.	Hydraulic engineer.	3,600	3,600
Hudson, Donald G.	135 Orchard Rd.	Core-drill operator.	(1)	
Huff, Carl Wm.	Clinton Park.	Switchboard operator.		1,800
Huntington, L. L.	96 West Norris Rd.	Chemical engineer.	2,300	2,400
Jandacek, E. J.	16 West Circle Rd.	Chemist.	2,000	2,600
Jolly, Wm. W.	93 West Norris Rd.	Assistant chemist.	2,000	2,000
Jones, Barton M.	19 East Norris Rd.	Research aide.	5,200	5,200
Kendall, G. Glenn.	37 West Circle Rd.	Principal geographer.	2,900	1,620
Kidd, Robert L.	59 Dogwood Rd.	Adult education aide.		3,200
Kilbourne, Richard.	27 Dodwood Rd.	Personnel aide.	2,300	2,300
Killebrew, W. L.	3 Hilltop Lane.	Erosion engineer.	8,000	8,250
Kindsvater, C. E.	142 West Norris Rd.	Forester.		3,500
Kline, Henry B.	52 West Norris Rd.	Engineer.	2,000	2,200
Kline, L. V.	92 Dale Rd.	Construction engineer.	4,000	
Kochitzky, O. W., Jr.	82 West Norris Rd.	Superintendent of education.		2,000
Komora, Andrew M.	85 Orchard Rd.	Carpenter foreman.		2,200
Kotz, S. E.	104 West Norris Rd.	Planting chief.		4,000
Lamb, E. B.	213 Oak Rd.	Chief watershed protection section.		1,500
Leming, E. E.	158 Hilltop Lane.	Guard.		2,000
Lillenthal, D. E.	81 Pine Rd.	Hydraulic engineer.	2,300	2,300
Longmire, James.	85 Hilltop Lane.	Chief, correspondence.	2,600	2,300
Lupier, F. G.	96 Pine Rd.	Forester.		3,200
Martins, W. W.	88 West Norris Rd.	Forestry specialist.	2,000	2,100
Matthews, W. P.	15 East Norris Rd.	Sanitary engineer.	4,000	
Mattil, O. J.	61 Pine Rd.	Office engineer.		4,600
Maughan, Patty B.	142 Hilltop Lane.	Construction engineer.	2,300	2,400
Mausen, T. R.	92 Orchard Rd.	Hydraulic engineer.		2,600
Maxwell, Luther H.	102 Crescent Rd.	Electrical engineer.		2,600
McFadden, James A.	224 Oak Rd.	Engineering aide.	3,600	3,600
McHenry, Douglas H.	54 Pine Rd.	Structural engineer.	2,000	2,100
McKeehan, Rollin.	82 Pine Rd.	Concrete technician.	3,200	3,200
McVeigh, Wilma Jane.	142 Hilltop Lane.	Materials engineer.	1,620	1,800
Miller, Ray M.	125 Norris Rd.	Elementary teacher.		1,800
Millican, Wm. C.	97 Dale Rd.	School teacher.	2,000	2,100
Moore, Evelyn.	76 Pine Rd.	School teacher.	2,900	2,900
Morgan, A. E.	12 East Circle Rd.	Civil engineer.	1,620	1,680
Morris, Elliston P.	65 Pine Rd.	Storekeeper.	10,000	10,000
Mulkey, J. O.	107 Hilltop Lane.	Director, T. V. A.	3,200	3,300
Nail, W. Stanton.	122 Hilltop Lane.	Forester.		1,500
Nelson, McDonald S.	114 Pine Rd.	Clerk-stenographer.	1,800	1,800
Niles, Warren A.	66 Pine Rd.	Public safety aide.	1,620	1,620
O'Dell, John Edward.	126 West Norris Rd.	Physical science aide.	2,600	2,300
Olson, Earl F.	106 Hilltop Lane.	Civil engineer.	2,600	2,700
Olson, Geo. T.	25 Dogwood Rd.	Accountant.	2,900	2,600
Ostrander, Hiram H.	14 East Circle Rd.	Forester.		3,200
Owen, John C.	86 West Norris Rd.	Architect.	(1)	3,200
Pace, Frank L.	115 Pine Rd.	Electrician.		2,000
Park, F. D.	35 Dogwood Dr.	do.	(1)	(2)
Parker, Antoin P.	49 Dogwood Rd.	Labor foreman.	1,620	
Parrish, Joseph L.	120 West Norris Rd.	Engineering aide.		2,000
Parrish, Leon T.	147 Hilltop Lane.	Hydraulic engineer.	2,300	2,600
Pearce, Cecil E.	217 Oak Rd.	Civil engineer.	2,300	2,300
Peterka, Alvin J.	108 Dale Rd.	Station operator.		2,900
Peterson Lyall.	112 West Norris Rd.	Plant superintendent.		1,500
Phelps, R. A.	115 Orchard Rd.	Guard.	4,500	4,800
Petty, Margaret E.	128 Hilltop Lane.	Hydraulic engineer.	1,800	
Post, Paul T.	25 East Circle Rd.	Forester.	3,200	3,200
Powers, Maurice L.	94 Hilltop Lane.	Accounting clerk.	2,000	2,000
Priebe, O. J.	57 Dogwood Rd.	Clerk-stenographer.		1,500
Rankin, Hiram S.	21 East Circle Rd.	Geographer.	2,300	2,600
Ratekin, H. L.	Clinton Park.	Machinist.	(1)	(2)
		Landscape architect.	2,600	
		Architect.		2,600
		Mining engineer.	3,200	3,200
		Farmer.		1,620

\$1 per hour.

\$1.10 per hour.



*Residents of Norristown, with titles and salaries, listed for fiscal years ending 1936 and 1937—Continued*

Resident	Address	Title	Salary, 1936	Salary, 1937
Raudenbush, W. H.	137 Norris Rd.	Head accountant.....	\$4,500	
Reagh, C. B.	186 Oak Rd.	Accountant.....		\$4,800
Reams, Chatham C.	12 West Circle Rd.	Labor foreman.....		(?)
Reedy, John L.	101 Crescent Rd.	(Concrete-placing in- spector.....	2,000	
Reeves, H. M.	41 West Circle Rd.	Civil engineer.....		2,600
Reid, Robert I.	134 West Norris Rd.	Electrician.....	(?)	(?)
Retz, Rolf T.	173 Garden Rd.	Hydraulic engineer.....	2,900	2,900
Reynolds, Francis X.	60 Pine Rd.	Forestry aide.....	2,300	
Richards, Edward C. M.	105 West Norris Rd.	Forester.....		2,600
Richardson, H. M.	111 Orchard Rd.	Hydraulic engineer.....	3,200	3,300
Roberts, Donald P.	118 Pine Rd.	Assistant to general manager.....	6,000	6,000
Robinson, Roma H.	123 Hilltop Lane	Chief forester.....	6,000	6,000
Robinson, Ernest E.	117 West Norris Rd.	Town engineer.....	3,600	3,600
Rowland, Elmo	91 Orchard Rd.	Structural engineer.....		2,900
Sargent, H. A.	138 West Norris Rd.	Clerk-stenographer.....		1,500
Scanlan, W. A.	56 West Norris Rd.	Plant superintendent.....	3,200	3,200
Seigworth, Kenneth J.	143 Crescent Rd.	Farm manager.....	2,000	2,100
Sharp, Earl L.	Freeway	Cost estimator.....	3,600	3,600
Shultz, Edwin B.	104 Dale Rd.	Transportation super- intendent.....	2,900	3,000
Smith, Claude A., Jr.	147 Orchard Rd.	Forester.....		3,800
Smith, Harvey H.	106 Crescent Rd.	do.....	2,600	2,600
Smith, Robert T.	158 Hilltop Lane	Chief, personnel, etc.....	4,800	4,800
Snyder, John E.	100 Pine Rd.	Engineering aide.....	1,800	1,800
Sperling, Elmer J.	56 Pine Rd.	Forester.....	2,000	2,100
Stanford, A. S.	200 Oak Rd.	Guard.....	1,620	
Stephenson, Charles M.	76 Dale Rd.	Radio technician.....		1,800
Stevens, Robt. M.	116 Orchard Rd.	Erosion engineer.....	3,600	3,600
Sweet, Milton C.	84 West Norris Rd.	Hydraulic engineer.....		2,000
Tarvin, Donald	87 Orchard Rd.	Guard.....	1,620	1,680
Taylor, Arnold E.	146 Hilltop Lane	Economist.....	3,200	3,200
Tinsley, James H.	101 West Norris Rd.	Physical science aide.....		1,620
Toole, Max G.	190 Oak Rd.	Switchboard operator.....	1,800	2,200
Torbert, E. N.	145 West Norris Rd.	Chemist.....	2,600	3,200
Tour, Harry B.	14 East Circle Rd.	(Not listed) Materials engineer.....		2,100
Towne, Carroll A.	85 Pine Rd.	Electrical engineer.....	2,300	
Vaughan, Evan W.	91 Orchard Rd.	Geographer.....	3,200	3,200
Vogelberger, R. A.	118 Orchard Rd.	Architect.....	3,200	4,600
Von Hoenliten, Harry L.	220 Oak Rd.	Land planner.....	4,000	
Wank, Roland A.	113 West Norris Rd.	Regional planner.....		4,600
Waugh, W. R.	97 Pine Rd.	Hydraulic engineer.....	2,600	2,700
Webster, Henry M.	84 Dale Rd.	Forester.....	3,200	3,300
Wheatley, A. C.	107 Crescent	Structural engineer.....	3,200	3,200
Wheeler, H. W.	52 Pine Rd.	Architect.....	5,200	6,000
Whitford, Martha L.	216 Oak Rd.	Engineering aide.....	2,300	
Wiebe, A. H.	151 Oak Rd.	Materials engineer.....		2,600
Wiesehuegel, E. G.	124 Dale Rd.	Engineering aide.....	1,800	
Winfrey, A. P., Jr.	174 Garden Rd.	Civil engineer.....	2,600	3,200
Woltz, Robert C.	48 West Norris Rd.	Job training assistant.....		1,500
Yoakum, Shelby C.	36 East Circle Rd.	Clerk-typist.....	1,620	
		Clerk-stenographer.....		1,800
		Biologist.....		2,600
		Forester.....		4,600
		(Not listed) Switchboard operator.....	2,000	2,200
		Manager.....	1,800	1,800
Total, salaries for 1936 and 1937 as listed.			414,420	526,810

1 \$1 per hour.

2 \$1.10 per hour.

Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD, and include therein the list to which I have referred.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein a radio address by myself.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### NAVAL AUTHORIZATION BILL

The SPEAKER. The unfinished business is the further consideration of the bill (H. R. 9218) to establish the compo-

sition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes.

The previous question has been ordered on the bill and amendments to final passage.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. CHURCH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CHURCH. I am, Mr. Speaker, in its present form.

The SPEAKER. Is the gentleman a member of the Committee on Naval Affairs?

Mr. CHURCH. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CHURCH moves to recommit the bill to the Committee on Naval Affairs with instructions to report the same back forthwith with the following amendment: On page 2, strike out all of lines 1, 2, and 3, as follows:

"(a) Capital ships, 105,000 tons, making a total authorized under-age tonnage of 630,000 tons."

Mr. VINSON of Georgia. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

Mr. CHURCH. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 114, nays 273, not voting 42, as follows:

[Roll No. 41]

YEAS—114

Allen, Ill.	Dondero	Lord	Rutherford
Amle	Dowell	Luce	Ryan
Anderson, Mo.	Eaton	Luckey, Nebr.	Sadowski
Andersen, Minn.	Elcher	Ludlow	Sauthoff
Andrews	Engel	Luecke, Mich.	Schneider, Wis.
Arends	Fish	McFarlane	Secrest
Bernard	Gehrmann	McGroarty	Shafer, Mich.
Bigelow	Gifford	McLean	Shannon
Binderup	Gilchrist	Mapes	Short
Bolleau	Guyer	Mason	Simpson
Brewster	Gwynne	Maverick	Smith, Maine
Buckler, Minn.	Halleck	Michener	Snell
Burdick	Hancock, N. Y.	Murdoch, Ariz.	South
Cannon, Wis.	Hildebrandt	O'Connell, Mont.	Stefan
Carlson	Hill	O'Day	Taber
Carter	Hoffman	Oliver	Taylor, Tenn.
Cartwright	Honeyman	O'Malley	Teigan
Case, S. Dak.	Hope	Patterson	Thomas, N. J.
Church	Houston	Plumley	Thurston
Clason	Hull	Powers	Tinkham
Cluett	Jenkins, Ohio	Randolph	Tobey
Coffee, Nebr.	Johnson, Minn.	Reed, Ill.	Transue
Cole, N. Y.	Johnson, Okla.	Reed, N. Y.	Withrow
Collins	Kinzer	Rees, Kans.	Wolcott
Crawford	Knutson	Reilly	Wolfenden
Crowther	Kopplemann	Rich	Wood
Culkin	Kvale	Robison, Ky.	Woodruff
Dirksen	Lambertson	Rockefeller	
Ditter	Lemke	Rogers, Okla.	

NAYS—273

Aleshire	Cannon, Mo.	Delaney	Fitzgerald
Allen, Del.	Casey, Mass.	Dempsey	Fitzpatrick
Allen, La.	Celler	DeMuth	Flaherty
Allen, Pa.	Chandler	DeRouen	Flannagan
Arnold	Chapman	Dickstein	Flannery
Ashbrook	Citron	Dies	Fleger
Atkinson	Clark, Idaho	Dingell	Fletcher
Bacon	Clark, N. C.	Dixon	Forand
Barden	Claypool	Dockweiler	Ford, Calif.
Barry	Cochran	Dorsey	Ford, Miss.
Barton	Coffee, Wash.	Doughton	Frey, Pa.
Bates	Colmer	Doxey	Fries, Ill.
Beiter	Connery	Drew, Pa.	Fuller
Bland	Cooper	Driver	Gamble, N. Y.
Bloom	Costello	Duncan	Gambrell, Md.
Boehne	Cox	Dunn	Garrett
Boland, Pa.	Cravens	Eberharter	Gavagan
Boyer	Creal	Eckert	Gearhart
Bradley	Crosby	Edmiston	Gildea
Brooks	Crosser	Elliott	Gingery
Brown	Crowe	Englebright	Goldsborough
Buckley, N. Y.	Cullen	Evans	Gray, Pa.
Bulwinkle	Cummings	Faddis	Green
Burch	Curley	Ferguson	Greenwood
Byrne	Daly	Fernandez	Greever

Gregory	Lea	Owen	Somers, N. Y.
Griffith	Leavy	Pace	Sparkman
Griswold	Lesinski	Palmisano	Spence
Haines	Lewis, Colo.	Parsons	Stack
Hamilton	Lewis, Md.	Patman	Starnes
Hancock, N. C.	McAndrews	Patton	Sullivan
Harlan	McClellan	Pearson	Summers, Tex.
Harrington	McCormack	Peterson, Fla.	Sutphin
Hart	McGehee	Peterson, Ga.	Sweeney
Harter	McGrath	Pfeiffer	Swope
Hartley	McKeough	Phillips	Tarver
Havener	McLaughlin	Pierce	Taylor, Colo.
Healey	McMillan	Poage	Taylor, S. C.
Hendricks	McReynolds	Polk	Terry
Hennings	McSweeney	Quinn	Thom
Hobbs	Maas	Rabaut	Thomas, Tex.
Holmes	Magnuson	Ramsay	Thomason, Tex.
Hook	Mahon, S. C.	Ramspeck	Thompson, Ill.
Hunter	Mahon, Tex.	Rayburn	Tolan
Imhoff	Maloney	Reece, Tenn.	Towey
Izac	Mansfield	Richards	Turner
Jacobsen	Martin, Colo.	Rigney	Umstead
Jarman	Massingale	Robertson	Vincent, B. M.
Jarrett	May	Robinson, Utah	Vinson, Fred M.
Jenks, N. H.	Mead	Rogers, Mass.	Vinson, Ga.
Johnson, Luther A.	Meeks	Romjue	Voorhis
Johnson, Lyndon	Merritt	Sabath	Wadsworth
Johnson, W. Va.	Mills	Sacks	Wallgren
Jones	Mitchell, Ill.	Sanders	Walter
Kee	Mitchell, Tenn.	Satterfield	Warren
Keller	Moser, Pa.	Schaefer, Ill.	Wearin
Kelly, Ill.	Mosier, Ohio	Schuetz	Weaver
Kennedy, Md.	Mott	Schulte	Welch
Kennedy, N. Y.	Murdock, Utah	Scott	Wene
Keogh	Nelson	Scrugham	White, Ohio
Kirwan	Nichols	Seger	Whittington
Kitchens	Norton	Shanley	Wigglesworth
Kleberg	O'Brien, Mich.	Sheppard	Williams
Kniffin	O'Connell, R. I.	Sirovich	Wolverton
Kramer	O'Connor, N. Y.	Smith, Conn.	Woodrum
Lambeth	O'Leary	Smith, Va.	Zimmerman
Lanham	O'Neal, Ky.	Smith, Wash.	
Lanzetta	O'Neill, N. J.	Smith, W. Va.	
Larrabee	O'Toole	Snyder, Pa.	

## NOT VOTING—42

Beam	Cooley	Kerr	Pettengill
Bell	Deen	Kocialkowski	Rankin
Biermann	Disney	Lamneck	Smith, Okla.
Boren	Douglas	Long	Steagall
Boykin	Drewry, Va.	Lucas	Treadway
Boylan, N. Y.	Farley	McGranery	West
Buck	Fulmer	Martin, Mass.	Whelchel
Caldwell	Gasque	Mouton	White, Idaho
Champion	Gray, Ind.	O'Brien, Ill.	Wilcox
Colden	Jenckes, Ind.	O'Connor, Mont.	
Cole, Md.	Kelly, N. Y.	Patrick	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Martin of Massachusetts (for) with Mr. Cooley (against).  
 Mr. Douglas (for) with Mr. Drewry of Virginia (against).  
 Mr. Biermann (for) with Mr. Boylan of New York (against).  
 Mr. Boren (for) with Mr. Kocialkowski (against).

General pairs:

Mr. Rankin with Mr. Treadway.  
 Mr. Disney with Mr. Champion.  
 Mr. Fulmer with Mr. White of Idaho.  
 Mr. Kerr with Mr. Pettengill.  
 Mr. Lamneck with Mr. Bell.  
 Mr. Steagall with Mr. Colden.  
 Mr. Boykin with Mr. Gray of Indiana.  
 Mr. Mouton with Mr. O'Brien of Illinois.  
 Mr. Caldwell with Mrs. Jenckes of Indiana.  
 Mr. Lucas with Mr. Wilcox.  
 Mr. Buck with Mr. Smith of Oklahoma.  
 Mr. Long with Mr. Kelly of New York.  
 Mr. West with Mr. McGranery.  
 Mr. O'Connor of Montana with Mr. Patrick.  
 Mr. Whelchel with Mr. Farley.  
 Mr. Deen with Mr. Cole of Maryland.

Mr. CROWTHER and Mr. SHAFER of Michigan changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. SABATH. Mr. Speaker, my colleague the gentleman from Illinois, Mr. BEAM, is unavoidably absent. If he were present, he would vote "nay" on the motion to recommit.

Mr. McMILLAN. Mr. Speaker, I regret to announce the absence of my colleague the gentleman from South Carolina, Mr. GASQUE. If he were present, he would vote "nay."

The SPEAKER. The question is on the passage of the bill.

Mr. VINSON of Georgia. Mr. Speaker, on the passage of the bill I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 294, nays 100, not voting 35, as follows:

## [Roll No. 42]

## YEAS—294

Aleshire	Edmiston	Kniffin	Ramspeck
Allen, Del.	Elliott	Kramer	Rayburn
Allen, La.	Englebright	Lambeth	Reece, Tenn.
Allen, Pa.	Evans	Lanham	Richards
Arnold	Faddis	Lanzetta	Rigney
Ashbrook	Ferguson	Larrabee	Robertson
Atkinson	Fernandez	Lea	Robinson, Utah
Bacon	Fitzgerald	Leavy	Rogers, Mass.
Barden	Fitzpatrick	Lesinski	Romjue
Barry	Flaherty	Lewis, Colo.	Sabath
Barton	Flannagan	Lewis, Md.	Sacks
Bates	Flannery	Ludlow	Sanders
Beiter	Fleger	McAndrews	Satterfield
Bell	Fletcher	McClellan	Schaefer, Ill.
Bland	Forand	McCormack	Schuetz
Bloom	Ford, Calif.	McFarlane	Schulte
Boehne	Ford, Miss.	McGehee	Scott
Boland, Pa.	Frey, Pa.	McGranery	Scrugham
Boyer	Fries, Ill.	McGrath	Secrest
Bradley	Fuller	McKeough	Seger
Brooks	Fulmer	McLaughlin	Shanley
Brown	Gamble, N. Y.	McLean	Sheppard
Buckley, N. Y.	Gambrell, Md.	McMillan	Simpson
Bulwinkle	Garrett	McReynolds	Sirovich
Burch	Gavagan	McSweeney	Smith, Conn.
Byrne	Gearhart	Maas	Smith, Maine
Caldwell	Gildea	Magnuson	Smith, Va.
Cannon, Mo.	Gingery	Mahon, S. C.	Smith, Wash.
Carter	Goldsborough	Mahon, Tex.	Smith, W. Va.
Casey, Mass.	Gray, Pa.	Maloney	Snyder, Pa.
Celler	Green	Mansfield	Somers, N. Y.
Chandler	Greenwood	Martin, Colo.	Sparkman
Chapman	Greever	Massingale	Spence
Citron	Gregory	May	Stack
Clark, Idaho	Griffith	Mead	Starnes
Clark, N. C.	Griswold	Meeks	Sullivan
Clason	Haines	Merritt	Summers, Tex.
Claypool	Halleck	Mills	Sutphin
Cochran	Hamilton	Mitchell, Ill.	Sweeney
Coffee, Wash.	Hancock, N. C.	Mitchell, Tenn.	Swope
Coimer	Harlan	Moser, Pa.	Tarver
Connery	Hart	Mosier, Ohio	Taylor, Colo.
Cooper	Harter	Mott	Taylor, S. C.
Costello	Hartley	Mouton	Terry
Cox	Havener	Murdock, Ariz.	Thom
Cravens	Healey	Murdock, Utah.	Thomas, Tex.
Creal	Hendricks	Nelson	Thomason, Tex.
Crosby	Hennings	Nichols	Thompson, Ill.
Crosser	Hobbs	Norton	Tobey
Crowe	Holmes	O'Brien, Mich.	Tolan
Cullen	Honeyman	O'Connell, R. I.	Towey
Cummings	Hook	O'Connor, N. Y.	Turner
Curley	Hunter	O'Leary	Umstead
Daly	Imhoff	O'Neal, Ky.	Vincent, B. M.
Delaney	Izac	O'Neill, N. J.	Vinson, Fred M.
Dempsey	Jacobsen	O'Toole	Vinson, Ga.
DeMuth	Jarman	Oliver	Voorhis
DeRouen	Jarrett	Owen	Wadsworth
Dickstein	Jenks, N. H.	Pace	Wallgren
Dies	Johnson, Luther A.	Palmisano	Walter
Dingell	Johnson, Lyndon	Parsons	Warren
Dirksen	Johnson, Okla.	Patman	Wearin
Ditter	Johnson, W. Va.	Patton	Weaver
Dixon	Jones	Pearson	Welch
Dockweiler	Kee	Peterson, Fla.	Wene
Dorsey	Keller	Peterson, Ga.	White, Ohio
Doughton	Kelly, Ill.	Pfeiffer	Whittington
Doxey	Kelly, N. Y.	Phillips	Wigglesworth
Drew, Pa.	Kennedy, Md.	Pierce	Williams
Driver	Kennedy, N. Y.	Poage	Wolverton
Duncan	Keogh	Polk	Woodrum
Dunn	Kirwan	Quinn	Zimmerman
Eberharter	Kitchens	Rabaut	
Eckert	Kleberg	Ramsay	

## NAYS—100

Allen, Ill.	Crawford	Jenkins, Ohio	Powers
Amle	Crowther	Johnson, Minn.	Randolph
Anderson, Mo.	Culkin	Kinzer	Reed, Ill.
Andresen, Minn.	Dondero	Knutson	Reed, N. Y.
Andrews	Dowell	Kopplemann	Rees, Kans.
Arends	Eaton	Kvale	Relly
Bernard	Elcher	Lambertson	Rich
Bigelow	Engel	Lemke	Robison, Ky.
Binderup	Flsh	Lord	Rockefeller
Boileau	Gehrman	Luce	Rogers, Okla.
Brewster	Gifford	Luckey, Nebr.	Rutherford
Buckler, Minn.	Gilchrist	Luecke, Mich.	Ryan
Burdick	Guyer	McGroarty	Sadowski
Caunon, Wis.	Gwynne	Mason	Sauthoff
Carlson	Hancock, N. Y.	Maverick	Schneider, Wis.
Cartwright	Harrington	Michener	Shafer, Mich.
Case, S. Dak.	Hildebrandt	O'Connell, Mont.	Shannon
Church	Hill	O'Day	Short
Cluett	Hoffman	O'Malley	Smith, Okla.
Coffee, Nebr.	Hope	Patterson	Snell
Cole, N. Y.	Houston	Plumley	South
Collins	Hull		Stefan



Taber	Thomas, N. J.	Transue	Wolfenden
Taylor, Tenn.	Thurston	Withrow	Wood
Teigan	Tinkham	Wolcott	Woodruff

## NOT VOTING—35

Beam	Cooley	Kerr	Pettengill
Biermann	Deen	Kocialkowski	Rankin
Boren	Disney	Lamneck	Steagall
Boykin	Douglas	Long	Treadway
Boylan, N. Y.	Drewry, Va.	Lucas	West
Buck	Farley	Martin, Mass.	Whelchel
Champion	Gasque	O'Brien, Ill.	White, Idaho
Colden	Gray, Ind.	O'Connor, Mont.	Wilcox
Cole, Md.	Jenckes, Ind.	Patrick	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Cooley (for) with Mr. Biermann (against).  
Mr. Drewry of Virginia (for) with Mr. Boren (against).

General pairs:

Mr. Rankin with Mr. Treadway.  
Mr. Disney with Mr. Martin of Massachusetts.  
Mr. Buck with Mr. Douglas.  
Mr. O'Brien of Illinois with Mr. Pettengill.  
Mr. Steagall with Mr. Colden.  
Mr. Boykin with Mr. Gray of Indiana.  
Mr. O'Connor of Montana with Mr. Patrick.  
Mr. Whelchel with Mr. Farley.  
Mr. Deen with Mr. Cole of Maryland.  
Mrs. Jenckes of Indiana with Mr. Long.  
Mr. Wilcox with Mr. Lamneck.

Mr. HOFFMAN changed his vote from "aye" to "no."

The result of the vote was announced as above recorded.

On motion of Mr. VINSON of Georgia, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CULLEN. Mr. Speaker, the gentleman from New York, Mr. BOYLAN, is ill. Had he been present, he would have voted "yea" on the passage of the bill.

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KLEBERG. Mr. Speaker, due to the unavoidable absence of my friend the gentleman from Texas, Mr. WEST, I wish to announce to the House and the country that he would have voted in favor of the passage of this bill had he been present.

Mr. SABATH. Mr. Speaker, my colleague the gentleman from Illinois, Mr. BEAM, is unavoidably absent. If he had been present, he would have voted "yea" on the passage of the bill.

Mr. THOMPSON of Illinois. Mr. Speaker, the gentleman from Illinois, Mr. KOCIALKOWSKI, is unavoidably absent. Had he been present, he would have voted "nay" on the motion to recommit the Navy expansion bill and "aye" on the passage of the bill.

Mr. Speaker, my colleague the gentleman from Illinois, Mr. LUCAS, is unavoidably absent. Had he been present, he would have voted "no" on the motion to recommit the Navy expansion bill and "aye" on the passage of the bill.

Mr. Speaker, my colleague the gentleman from Illinois, Mr. CHAMPION, is absent. Had he been present, he would have voted "no" on the motion to recommit and "aye" on the passage of the Navy expansion bill.

Mr. McMILLAN. Mr. Speaker, I desire to announce the unavoidable absence of my colleague the gentleman from South Carolina, Mr. GASQUE. Had he been present, he would have voted "aye" on the passage of the bill.

Mr. CLARK of Idaho. Mr. Speaker, my colleague the gentleman from Idaho, Mr. WHITE, is absent on account of illness. Had he been present, he would have voted "no" on the motion to recommit and "aye" on the passage of the bill.

## EXTENSION OF REMARKS

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a very short letter from the Secretary of Agriculture, Mr. Wallace, relative to roads.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BRADLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a radio address recently delivered by me in Philadelphia.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a radio talk recently made by me.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## COMMITTEE ON PATENTS

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent that the subcommittee of the Committee on Patents be allowed to sit during sessions of the House for the balance of the week.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## ORDER OF PROCEDURE

Mr. WOODRUM. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WOODRUM. Mr. Speaker, a practice seems to have grown up of late in the House of Members announcing how their colleagues would have voted had they been present. Entirely without regard to these particular cases, as to which I, of course, have no objection, this was actually carried to the point a few days ago of permitting a Member to have the RECORD corrected to show that had he been present he would have voted in a certain way, and this particular Member, although absent at the time under some sort of misapprehension, actually voted on the matter.

I wish to inquire, Mr. Speaker, whether under the rules of the House there is any parliamentary authority for such announcements being made in the House?

The SPEAKER. In reply to the parliamentary inquiry of the gentleman from Virginia the Chair will state that when a record vote is taken in the House only the names of those who are present and voting or paired are shown in the RECORD.

There has grown up a practice of Members arising in their places after votes are taken and asking unanimous consent to make a statement with reference to how some absent colleague would have voted had he been present. There is no authority for the Chair to recognize a Member for that purpose except by unanimous consent. The Chair, of course, when a Member rises for the purpose of submitting such a unanimous-consent request, feels that in fairness he should submit the matter to the House as a question of unanimous consent. If any objection is made there is no parliamentary authority for a Member to make such a statement.

## DECORUM IN ADDRESSING THE HOUSE

Mr. COCHRAN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COCHRAN. Mr. Speaker, some years ago the distinguished gentleman from Massachusetts [Mr. LUCE], recognized as an outstanding parliamentarian, addressed the House and called attention of Members to the proper manner of addressing this body. A practice has grown up whereby Members, old as well as new, taking the floor repeatedly in addressing the House, use the language "gentlemen of the House," others "Members of the House." We have some very distinguished ladies who are Members of this body, and it appears to me it is almost an insult to them to sit here day after day and listen to Members address only the "gentlemen of the House." It is my understanding that there is a proper way to address this body, and that is through the

presiding officer, and I respectfully submit, Mr. Speaker, it would be to the benefit of orderly procedure if the Speaker of the House would inform the Members as to the proper manner to address this body. At the same time, I express the hope the Members of the House will abide by the Speaker's ruling in the future.

Mr. LUCE. Mr. Speaker, will the Chair permit me to comment on what the gentleman from Missouri has said?

The SPEAKER. The Chair will be very glad to hear the gentleman from Massachusetts.

Mr. LUCE. Mr. Speaker, the gentleman from Missouri is correct in saying that some years ago I brought this matter to the attention of the House. I had previously consulted with the Speaker of the House at that time, who was a man of strong beliefs and earnest language. In private he used some epithets about this practice that had grown up which perhaps I would better not repeat now. Unless memory deceives me, Speaker Longworth also told me he was greatly disturbed by this innovation. When I came here 19 years ago not a man ever thought of violating the ancient parliamentary rule that remarks are to be addressed to the Speaker and to him alone. That carried on the formula devised in Parliament centuries ago to avoid as far as possible altercations between Members. As far as I know, it is the universal parliamentary practice to proceed upon the theory we are addressing the Speaker of the House and not directly its Members.

Mr. WOODRUM. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. WOODRUM. Of course, the gentleman means the Chairman of the Committee also when the House is sitting in Committee of the Whole.

Mr. LUCE. Absolutely; the same rule applies.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. O'CONNOR of New York. The gentleman also means it is improper from a parliamentary standpoint to address a Member by his name and say, "The gentleman from Massachusetts, Mr. LUCE"?

Mr. LUCE. That is true.

Mr. O'CONNOR of New York. The gentleman has noticed a later custom which has grown up here and that is this constant repetition of "my friends," has he not?

Mr. BOILEAU. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Massachusetts has been recognized on a parliamentary inquiry.

Mr. BOILEAU. But, Mr. Speaker, I desire to make a point of order.

The SPEAKER. The gentleman will state it.

Mr. BOILEAU. It is that the gentleman from Virginia [Mr. WOODRUM] and the gentleman from New York [Mr. O'CONNOR], who spoke respecting decorum in the House, failed to address the Speaker first in asking the gentleman from Massachusetts to yield.

Mr. LUCE. Mr. Speaker, I recall, with happiness, that the gentleman who now adorns the Speaker's chair, then on the floor, got back at me by calling attention to the fact that in addressing the Speaker I used the pronoun "you" instead of "the Chair." I did not lay it up against him, but enjoyed the come-back. More seriously, Mr. Speaker, it seems to me that it would be very well for the House to return to the practice of centuries and refrain from direct address to Members individually by the use of the personal pronoun, and particularly refrain from addressing Members at the beginning of a speech, by way of salutation.

Mr. LANHAM. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. LANHAM. In case two Members from the same State have addressed themselves to a proposition that is pending, under those circumstances, in order to differentiate as between them, is it not permissible for a third Member in speaking before the Chamber to say, "As was stated by the gentleman from Massachusetts, Mr. LUCE," to distinguish him from the other Member from Massachusetts who had also spoken on the same subject?

Mr. LUCE. I have no doubt that that would be permissible.

The SPEAKER. The Chair is prepared to answer the parliamentary inquiry of the gentleman from Missouri [Mr. COCHRAN]. This is not a matter of first impression, because, as stated by the gentleman from Missouri in submitting the parliamentary inquiry, the matter was drawn to the attention of the Chair when Mr. Speaker Garner was presiding by the gentleman from Massachusetts [Mr. LUCE]. The Chair thinks it necessary, in answer to the parliamentary inquiry, to emphasize the importance of this matter, although it might upon first sight appear somewhat trivial to Members of the House. The Chair calls attention to the rule in connection with the matter of decorum and debate and the interpretation of the rule as applied to this particular parliamentary inquiry.

Rule XIV of the House provides:

1. When any Member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

On January 12, 1932, the gentleman from Massachusetts [Mr. LUCE] rose to a question of privilege, that is, a matter of the privilege of the House the Chair assumes, and discussed this question, submitting in effect this same parliamentary inquiry to the Speaker of the House, at that time, Mr. Garner. After reciting the rule itself and the arguments in connection with this matter, Mr. Speaker Garner held:

The Chair is in entire sympathy with the remarks made by the gentleman from Massachusetts. It is supposed to be a slight upon the Chair, according to the expressions of former Speakers of the House, when Members address the Chairman of the Committee of the Whole, or the Speaker, and then address Members on the floor en masse. The Speaker represents the House of Representatives in its organization, and by addressing the Chair gentlemen address the entire membership of the House.

In answer to the parliamentary inquiry of the gentleman from Missouri, the Chair holds that the rule itself with reference to decorum and debate as heretofore interpreted means that it is not proper when a Member desires to address his colleague to say, "Mr. Speaker, ladies and gentlemen of the House" or "Mr. Speaker, gentlemen of the House," or merely "Gentlemen of the House." The proper rule and the proper practice—and, of course, the present occupant of the chair has no pride of opinion with reference to the matter—is to say either "Mr. Speaker" or, if in Committee of the Whole, "Mr. Chairman."

The Chair trusts that that answers the parliamentary inquiry.

Mr. COCHRAN. I thank the Chair.

#### EXTENSION OF REMARKS

Mr. SCHAFER of Michigan asked and was given permission to extend his own remarks in the RECORD.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, my colleague the gentleman from Iowa, Mr. BIERMANN, is unavoidably absent because of illness. Had he been here he would have voted "yea" on the motion to recommit and "nay" on the final passage of the bill.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Without objection it is so ordered.

There was no objection.

The SPEAKER. The Chair will state that hereafter the Chair cannot recognize Members for permission to address the House until later in the day.

Mr. SCOTT. Mr. Speaker, I was on my feet to make an announcement similar to that made by the gentleman from Iowa when the gentleman from Virginia raised the question



that he did. It leaves me in the embarrassing position of having others announce how their absent colleagues would vote without my feeling now that I could announce how my colleague the gentleman from California, Mr. BUCK, would have voted had he been present. He is not here because of illness.

Mr. Speaker, I ask unanimous consent now that I may have the privilege of announcing how he would have voted had he been present.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCOTT. Mr. Speaker, my colleague the gentleman from California, Mr. BUCK, would have voted "nay" on the motion to recommit and "yea" on the passage of the bill.

#### EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein an address I recently made.

The SPEAKER. Without objection it is so ordered.

Mr. FULMER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

#### CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

#### RED LAKE BAND OF CHIPPEWA INDIANS, MINNESOTA

The Clerk called the first bill on the Consent Calendar, H. R. 4540, authorizing the Red Lake Band of Chippewa Indians in the State of Minnesota to file suit in the Court of Claims, and for other purposes.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, the Department has recommended two amendments to this bill. If the amendments are adopted I will have no objection to the passage of the bill. I have the amendments prepared. They are acceptable to the author of the bill. So far as I am concerned, if no one else desires to object to the bill, and the author of the bill agrees to the amendments, I will offer them at the proper time.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I understand that the gentleman from Missouri is satisfied with the bill provided his amendments are adopted.

Mr. COCHRAN. Yes. The author of the bill has agreed to accept the amendments. One provides that there shall be absolutely no interest paid, and the other is to take out all of section 4.

Mr. WOLCOTT. If these amendments are adopted I do not see any objection to the bill. I shall not object.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment, according to principles of justice and equity and as upon a full and fair arbitration, on all claims of the Red Lake Band of Chippewa Indians in the State of Minnesota against the United States for the value of unceded lands, for losses sustained by reason of erroneous surveys of reservation boundaries, or on claims arising under the treaty of October 2, 1863 (13 Stat. 667), or under any treaty, agreement, Executive order, or act of Congress, except the act of January 14, 1889 (25 Stat. 642), with the right of appeal by either party to the Supreme Court of the United States, anything in the Judiciary Code of the United States to the contrary notwithstanding, for the determination of the amount, if any, which may be legally or equitably due the said Red Lake Band of Chippewa Indians, under any treaties or agreements entered into between said Indians and the United States, or for the failure of the United States to pay any money which may be legally or equitably due the said Red Lake Band of Indians.

Sec. 2. In any suit or suits instituted hereunder the Court of Claims shall have authority to determine and adjudge the rights, both legal and equitable, of the claimants in the premises, notwithstanding lapse of time or statutes of limitation.

Sec. 3. The court shall also hear, examine, consider, and adjudicate any claim or claims which the United States may have against the said Red Lake Band, properly chargeable in such suit; but

any payment or payments which have been made by the United States upon such claim or claims shall not operate as an estoppel, but may be pleaded by way of set-off; and any other tribe or band of Indians which the court may deem necessary to a final determination of any suit hereunder may be joined therein as the court shall order.

Sec. 4. If in any suit instituted hereunder for the value of lands taken, sold, or disposed of by the United States it be determined by the court that the Indians are entitled to recover judgment, the price of such lands shall be \$1.25 an acre, except as to any lands the price of which has been otherwise fixed by general land laws enacted by Congress, in which case the court may be governed by the latter prices.

Sec. 5. A petition or petitions may be filed hereunder in the Court of Claims within 5 years after the date of this act; and the Red Lake Band of Chippewa Indians in the State of Minnesota shall be the party plaintiff, and the United States the party defendant. The petition or petitions may be verified by the attorney employed by the said Indians to prosecute their claims, under a contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, and no other verification shall be necessary.

Sec. 6. Upon final determination of any suit hereunder the Court of Claims shall decree such fees and expenses as the court shall find to be reasonably due to be paid to the attorney or attorneys employed by the said Indians, under contract in accordance with existing law, and the same shall be paid out of any sum or sums of money found due said Red Lake Band: *Provided*, That in no case shall the fees decreed be in excess of 10 percent of the amount of the judgment.

With the following committee amendments:

Page 2, line 5, strike out "judiciary" and insert "judicial."

Page 2, line 21, after the word "suit", insert "including gratuities not heretofore charged."

Page 3, line 12, after the word "act", insert "which shall be subject to amendment at any time prior to final submission of the case to the Court of Claims."

The committee amendments were agreed to.

Mr. COCHRAN. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 2, line 12, after the word "Indians", insert a colon and the following: "*Provided*, No interest shall be held to have accrued by reason of the passage of this act."

The amendment was agreed to.

Mr. COCHRAN. Mr. Speaker, I offer another amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 3, line 3, strike out all of section 4.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### UNITED STATES BOARD OF AWARDS

The Clerk called the next bill, H. R. 171, to create a United States Board of Awards and to provide for the presentation of certain medals.

Mr. WOLCOTT, Mr. TABER and Mr. McLEAN objected.

#### NATIONAL MONUMENT, CAMP MERRITT, N. J.

The Clerk called the next bill, H. R. 71, to provide for the establishment of a national monument on the site of Camp Merritt, N. J.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### INVESTIGATION AND REPORT ON LOSS OF TITLE TO LANDS ALLOTTED TO INDIANS

The Clerk called the next bill, H. R. 2534, to authorize the Secretary of the Interior to investigate and report on the loss of title to or the encumbrance of lands allotted to Indians.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## COST OF CONSTRUCTION OF BUILDINGS IN NATIONAL PARKS

The Clerk called the next bill, H. R. 6350, to amend the act of August 24, 1912 (37 Stat. 460), as amended, with regard to the limitation of cost upon the construction of buildings in national parks.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, reserving the right to object, this bill raises the limitation which applies to the construction of buildings in national parks from \$1,500 to \$5,000. It seems to me this is absolutely unnecessary except on those special occasions in which event there should be specific authorization to build buildings beyond the \$1,500 limit. I am very much inclined to object.

Mr. DEROUEN. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Louisiana.

Mr. DEROUEN. Mr. Speaker, this bill will harmonize as between the departments. In the case of the Forest Service the Congress has permitted two increases, in 1935 and 1936. The present limitation in the case of national parks was fixed in 1918. It is impossible to cope with the present situation unless we give them the necessary money. The figures from the Bureau of Labor Statistics show that the costs in 1935 and 1936, so far as construction is concerned, have increased approximately 33½ percent. Based upon present trends, it is probable that construction costs will continue to increase. This is true insofar as ranger stations, fire stations, equipment sheds, comfort stations, storage sheds, checking stations, pumping houses, oil houses, small garages, and barns are concerned, which are all low-cost construction buildings. It seems to me very strange that the Congress has remedied the situation twice with reference to other departments and objects to a small increase so far as the National Park Service is concerned which serves the public. There have to be accommodations to protect the rangers, and this is, in fact, a very small increase.

I hope the gentleman may suggest a remedy to assist in taking care of the existing conditions in the national parks because the increased number of visitors are not being taken care of. The rangers are housed in old buildings and they cannot fix these buildings and cannot build new ones. Fire stations and other things have to be provided and these cannot be built unless we pay the prevailing wages to do the work, and this means an increase of 33 to 50 percent in cost since 1918.

Mr. Speaker, there has not been a change in the fixed statutory law since 1918, although a change has been made in the case of other departments. I hope the gentleman will not oppose this bill.

The purpose of this proposed legislation is to bring the above-mentioned statutory law in harmony with present-law construction costs and requirements by raising from \$1,500 to \$5,000 the existing limitation on the cost of constructing buildings in any national park without express authority of Congress.

The act of August 24, 1912, fixed the first limitation of \$1,000 upon this type of construction. The act of July 1, 1918, raised this limitation to \$1,500. It has not been changed since that time, notwithstanding the rise in construction costs that has occurred in recent years. Figures from the Bureau of Labor Statistics show that in a 1-year period, from October 1935 to October 1936, the cost of construction increased approximately one-third. Based upon the present trend, it is probable that construction costs will continue on the increase.

Ranger stations, fire-equipment sheds, comfort stations, storage sheds, checking stations, pump houses, oil houses, small garages, and barns are some of the low-cost structures that are required to be constructed in the parks. It has been difficult in recent years to maintain proper facilities for administering national-park areas and for adequately accommodating the public, in view of the need for better and more extensive facilities necessitated by more intensive use thereof by the increasing number of persons visiting the parks annually. Climatic conditions in many of the parks require, in the interest of economy, that construction be of the most

durable and lasting nature. In this connection, it is noted that the act of May 17, 1935 (49 Stat. 261), making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1936, authorizes the Forest Service to construct buildings exclusive of the cost of a water supply or sanitary system and of connecting the same with any such building, as a cost not to exceed \$2,500. The act of June 4, 1936 (49 Stat. 1436), making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1937, authorizes the Forest Service to construct buildings at a cost not to exceed \$5,000.

I have been advised by the Bureau of the Budget that there would be no objection by that office to the presentation of this proposed legislation to the Congress.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, I object.

## ERECTION OF TERMINAL MARKER FOR JEFFERSON DAVIS NATIONAL HIGHWAY

The Clerk called the next bill, S. 1468, authorizing the erection in the District of Columbia of a suitable terminal marker for the Jefferson Davis National Highway.

Mr. WOLCOTT, Mr. LORD, and Mr. TABER objected.

## WESTERN BANDS OF THE SHOSHONE NATION OF INDIANS

The Clerk called the next bill, S. 68, authorizing the Western Bands of the Shoshone Nation of Indians to sue in the Court of Claims.

Mr. SCRUGHAM. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

## BRIDGES IN MARYLAND

The Clerk called the next bill, H. R. 8714, authorizing the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the State of Maryland by and through its State roads commission or the successors of said commission be, and is hereby, authorized to construct, maintain, and operate any or all of the following bridges and approaches thereto, at points suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act, to wit:

A bridge across the Potomac River from a point in Charles County at or near Ludlows Ferry to a point approximately opposite in the State of Virginia near Dahlgren and Colonial Beach.

A bridge across the Chesapeake Bay from a point in Baltimore County at or near Millers Island to a point approximately opposite in Kent County at or near Tolchester.

A bridge across the Susquehanna River from a point in Cecil County at or near Perryville to a point approximately opposite in Harford County at or near Havre de Grace.

The times for commencing and completing the construction of any of the bridges authorized by this section shall expire 3 and 5 years, respectively, from the date of approval hereof.

In lieu of any bridge hereinabove mentioned in this section, the State of Maryland, by and through its State roads commission or the successors of said commission, be, and is hereby, authorized to construct, maintain, and operate a tunnel and approaches thereto at the same location; but no such tunnel shall be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such tunnel and accessory works. The word "bridge" or "bridges" as hereinafter used in this act shall be deemed to include and to apply to any such tunnel or tunnels, and the powers granted by and the conditions and limitations contained in this act shall be applicable in all respects to any such tunnel or tunnels.

The authority herein granted to construct, maintain, and operate any of the foregoing bridges shall not be deemed to be exclusive or to repeal the authority heretofore granted to any other corporation, public board, or agency to construct a bridge at the same location.

SEC. 2. There is hereby conferred upon the State of Maryland and its State roads commission or the successors of said commission



all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of any or all such bridges and their approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

Sec. 3. The State of Maryland, by and through its State roads commission, or the successors of said commission, is hereby authorized to fix and charge tolls for transit over any or all such bridges, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

Sec. 4. The State of Maryland, by and through its State roads commission, or the successors of said commission, may unite or group all or such of said bridges into one or more separate projects for financing purposes as in its judgment shall be deemed practicable. If tolls are charged for the use of a bridge or bridges in a project, the rates of toll to be charged for the use of such bridge or bridges embraced in the particular project shall be so adjusted as to provide a fund not to exceed an amount sufficient to pay the reasonable costs of maintaining, repairing, and operating the bridge or all of the bridges included in the particular project and their approaches under economical management, and not to exceed an amount sufficient in addition to the foregoing to provide a sinking fund sufficient to amortize the aggregate cost of the bridge or all of the bridges embraced in the particular project and their approaches, including reasonable interest and financing costs, as soon as possible under reasonable charges, but within a period not exceeding 40 years from the completion of such bridge or from the date of completion of the last completed bridge in the particular project. The tolls derived from the bridge or bridges embraced in any particular project may be continued and paid into the appropriate sinking fund until all such costs of the bridge or bridges embraced in the particular project shall have been amortized. In any event, tolls may be charged on the basis aforesaid for transit over the bridge or bridges in each project for which revenue bonds of said State are issued, and such tolls may be continued and adjusted at such rates as may be necessary to pay such bonds with interest thereon and any lawful premium for the retirement thereof before maturity, subject only to the power of the Secretary of War or other authorized Federal authority to regulate such rates.

Sec. 5. The failure of the State of Maryland, by and through its State roads commission, to construct, maintain, and operate any one or more of the foregoing bridges, or to unite or group any two or more for financing purposes, shall in no wise affect its authority or powers hereby granted to construct, maintain, and operate such bridge or bridges as it may deem expedient, and any one of the bridges herein authorized may be constructed, maintained, and operated as a single project without uniting such bridge in a joint project with other bridges authorized herein.

Sec. 6. After a sinking fund sufficient to amortize the cost of any bridge or bridges in any particular project or group or sufficient to pay the principal and interest on bonds issued for the purpose of financing such particular bridge or bridges or project or group shall have been provided to the extent hereinbefore required, the bridge or bridges included in any such project or group shall thereafter be maintained and operated free of tolls: *Provided, however*, That tolls for the use of any such bridge or bridges may be continued thereafter in the event that such tolls shall have been pledged by the State roads commission to the payment of revenue bonds issued for any other bridge or bridges the construction of which shall have been authorized by Congress. An accurate record of the cost of each bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Sec. 7. The powers conferred by this act are supplementary and additional to all other authority and powers heretofore granted by law for the construction of the hereinbefore-named bridges, but all acts or parts of acts heretofore enacted, authorizing the construction of the hereinbefore-named bridges (except as applied to any bridge over the Potomac River) which are in conflict with the terms of this act be, and the same are, hereby repealed insofar as such conflict exists. Nothing in this act shall be construed as authorizing tolls to be charged for the use of any one or more of the hereinbefore-named bridges except as hereinabove provided, and nothing herein shall be construed so as to prohibit the State of Maryland from paying all or any part of the costs of the construction of any one or more of such bridges or their approaches, and any and all bonds issued for such purposes, from any funds of the State which may now or hereafter be made available for that purpose.

Sec. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On page 6, line 18, after the word "which", strike out "shall have been authorized by Congress" and insert in lieu thereof "is authorized herein."

The committee amendment was agreed to.

Mr. CHAPMAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHAPMAN: Strike out all of page 2 after the end of line 9 and down to and including all of line 13 on page 3, and in lieu of the part so stricken out insert the following:

"A bridge across the Chesapeake Bay from a point in Baltimore County at or near Millers Island to a point approximately opposite in Kent County at or near Tolchester, or, as an alternate thereto, a bridge across the Chesapeake Bay or a tunnel under or a combined bridge and tunnel from a point in Anne Arundel County at or near Annapolis to a point approximately opposite on Kent Island.

"A bridge across the Susquehanna River from a point in Cecil County at or near Perryville to a point approximately opposite in Harford County at or near Havre de Grace.

"A bridge across or a tunnel under the Patapsco River south of the city of Baltimore from a point at or near the mouth of North West Branch to a point approximately opposite at or near Fairfield.

"The construction of any tunnel, or combined bridge and tunnel, authorized by this act shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such tunnel and accessory works.

"The times for commencing and completing the construction of any of the structures authorized by this section shall expire 3 and 5 years, respectively, from the date of approval hereof.

"The word 'bridge' or 'bridges' as hereinafter used in this act shall be deemed to include and to apply to the tunnel or the combined bridge and tunnel at or near Annapolis or to the tunnel under the Patapsco River or to both."

Mr. WOLCOTT. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I do this merely for the purpose of clarifying certain matters in the bill which are unusual and, perhaps, would otherwise be considered irregular.

Will the gentleman from Maryland tell us why in this bill we depart from the statutory custom which has been established of requiring that the dates of commencement and completion of the bridge be from 1 to 3 years, respectively? In this bill we provide that commencement shall be before 3 years and completion before 5 years. This is included in the committee amendment and also in the paragraph beginning in line 17 on page 2.

Mr. KENNEDY of Maryland. Mr. Speaker, as I understand the situation, heretofore on bridge bills the 1-year limitation has been extended from time to time. This bill as now amended includes four bridges and a possible fifth bridge. In order to complete the whole program a study will be required to be made before any construction is started, and we may not be able to do that within 1 year.

Mr. WOLCOTT. Is it because of the size of the project the committee thought it advisable to extend the time from 1-3 to 3-5?

Mr. KENNEDY of Maryland. Yes; rather than come before Congress again next year and ask for another extension.

Mr. WOLCOTT. I notice on page 3, starting in line 14, there is the following provision:

The authority herein granted to construct, maintain, and operate any of the foregoing bridges shall not be deemed to be exclusive or to repeal the authority heretofore granted to any other corporation, public board, or agency to construct a bridge at the same location.

Has the Congress previously authorized any State agency or any commission or individual to construct a bridge at this same place?

Mr. KENNEDY of Maryland. No. I believe the explanation of this provision is that there are certain bridges in Maryland now, also other means of transportation across navigable waters, such as the ferry companies now operating across Chesapeake Bay. I believe under the State law the bridge authority created by the last legislature of the State of Maryland has authority to purchase ferry companies and existing bridges whose operation would be in conflict with the operation of the proposed bridges.

Mr. WOLCOTT. Might this provision be for the protection of the bonds that may be issued in case there may be conflicting authorities at this same site? My point is this: Is it the legislative intention that regardless of any au-

thority issued by any agency this authority we grant in the passage of this bill takes precedence over any other authority previously granted?

Mr. KENNEDY of Maryland. No; quite the contrary. This is to protect the interests of those that now have authorities. As I stated before, I am acquainted with one instance, involving a ferry company operating from Annapolis to Matapeake, on the eastern shore of Maryland.

Mr. WOLCOTT. I believe we should be together on the legislative intent, because bonds may be sold under this bill. My understanding is you want to protect this situation against the possibility of there having been other authorizations. If this bill does not specifically revoke previous authorizations, then such previous authorizations may be a limitation upon this construction of the project and would be a limitation upon the bonds issued. I believe the gentleman and I understand each other, but we want the legislative intent to be clarified in that this authority supersedes any authority previously granted by the Congress for construction at the sites. Is that right?

Mr. KENNEDY of Maryland. I would say that is correct; yes.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### INDIANS ON THE QUINAIELT RESERVATION, STATE OF WASHINGTON

The Clerk called the next bill, S. 1517, authorizing the payment of attorney fees contracted to be paid by certain Indians allotted on the Quinaliet Reservation, State of Washington, and for other purposes.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### GRAZING DISTRICTS

The Clerk called the next bill, H. R. 7874, to provide for the leasing of State, county, and privately owned lands for the purpose of furthering the orderly use, improvement, and development of grazing districts.

Mr. TABER. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### MENOMINEE TRIBE OF INDIANS

The Clerk called the next bill, H. R. 7277, to amend an act entitled "An act to refer the claim of the Menominee Tribe of Indians to the Court of Claims with the absolute right of appeal to the Supreme Court of the United States," approved September 3, 1935.

Mr. COCHRAN. Mr. Speaker, I have a letter from the Attorney General, in which he states that he suggested certain amendments to this bill and upon examination of the bill as reported by the committee he finds that the amendments are carried in the bill and therefore he offers no objection to the passage of the measure in its present form.

I understand that since then it is necessary for an amendment to be offered from the floor changing the date from 1937 to 1938 to which, of course, he has no objection. Therefore, as far as I am concerned, I shall not object to the consideration of the bill.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. WOLCOTT. I might call the gentleman's attention to many highly controversial matters in the bill, but after discussing the bill with the gentleman from Wisconsin [Mr. BOILEAU] he has convinced me that the bill is sound and should be passed. I have consistently objected to bills of this nature, but the logic of the reasoning of the gentleman from Wisconsin was reasonable. He has proven to me that the

bill should be passed and, therefore, I have withdrawn any objection which I might otherwise have to the bill.

Mr. COCHRAN. I may say to the gentleman from Michigan that I notice this bill was reported on August 20, 1937. I, too, have the same objection because I do not think we should provide for absolute right of appeal to the Supreme Court. I think such cases should take the usual course. The bill shows it is the original act that provides direct appeal not the pending measure.

The letter I have from the Attorney General is dated February 7, 1938, and states:

I have heretofore suggested certain amendments to the measure under consideration and find that the bill in its amended form embodies the modifications that I propose. In view of the foregoing considerations, I find no objection to the enactment of the bill.

As I have taken the position heretofore that I object to these bills because the departments object to them in view of the letter I hold in my hand which I have received from the Attorney General.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. BOILEAU. The objections of the Attorney General and of the Budget and the Department of the Interior have all been taken care of, and I am sure there can be no objection to the bill now, with the possible exception of the amendment I shall offer, if permission for present consideration is granted, changing the date from 1937 to 1938.

Mr. COCHRAN. I have no objection to that, but I wanted to explain why I am withdrawing my objection to the bill.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act entitled "An act to refer the claim of the Menominee Tribe of Indians to the Court of Claims, with the absolute right of appeal to the Supreme Court of the United States" (Public, No. 413, 74th Cong.), approved September 3, 1935, is hereby amended in the following particulars:

Section 2 of said act is hereby repealed and in lieu thereof the following is enacted:

"Sec. 2. The Menominee Tribe of Indians is hereby empowered to prosecute any and all of its claims by bringing at its election, acting through its attorneys, a suit or suits, as party plaintiff, against the United States, as party defendant, by filing a petition or petitions in the Court of Claims and serving with respect to each petition a copy thereof on the Attorney General of the United States. Such petition or petitions shall set forth the facts on which the claims for recovery are based and shall be verified by the attorney or attorneys employed by said Menominee Tribe of Indians in accordance with existing law to prosecute such claims which may be made upon information and belief and no other verification shall be necessary. Any suit hereunder shall be instituted by the filing of a petition in the Court of Claims before the end of the calendar year of 1937."

The first sentence of section 3 of said act is amended by repealing the words "said suit" and inserting in lieu thereof the words "any suit instituted hereunder."

The first sentence of section 6 (c) is amended by inserting the words "including stumpage depletion" between the words "net income" and the words "that has been", and the words "on the acreage" between the words "of the timber" and the words "unlawfully cut", and the words "including stumpage depletion" between the words "net income" and the words "which would", and the words "from the time of replacement by replanting" between the words "60 years" and the comma following, and by repealing the word "be" between the words "be deemed to" and the words "60 years" and inserting in lieu thereof the word "end."

The following is added to section 6 (c) as hereby amended: "For the purpose of this section, the phrase 'net income, including stumpage depletion,' shall be construed to mean the net income plus the stumpage value of the timber cut, as shown by the accounting records maintained at the Menominee Indian mills, subject to such adjustments as may be found proper upon investigation, using customary and accepted principles of accounting. The cost of replacement, including fire lines of the timber on the acreage unlawfully cut over, unless proved otherwise at the trial, shall be deemed to be \$15 per acre, and the annual cost of fire protection, unless proved otherwise at the trial, shall be deemed to be 15 cents per acre per year."

There is inserted as section 6 (e) the following:

"Sec. 6. (e) The causes of action and measures of damage set forth in the various paragraphs of this section 6 shall be construed to be independent of each other, but no one or all of said causes of action and measures of damage shall exclude the assertion of other causes of action as permitted by section 1 hereof or the application of other proper cumulative measures of damage."

The first sentence of section 7 of said act is amended by repealing the words "said suit" and inserting in lieu thereof the words "any suit."



With the following committee amendments:

On page 2, line 18, add the following sentence:

"The petition or petitions shall be subject to amendment at any time prior to final submission of the case to the Court of Claims."

On page 2, beginning on line 22, strike all of line 22 down to and including line 21 on page 3 and insert in lieu thereof the following:

"Section 6 (c) of said act is hereby amended to read as follows:

"(c) If it shall be determined by the court that the United States has violated the terms and provisions of the act of Congress of March 28, 1908 (35 Stat. L. 51), by cutting other than dead and down timber or such fully matured and ripened timber as the Forestry Service shall have properly designated, or by cutting such timber so as to prevent forest perpetuation, the court shall award as damages to the Menominee Tribe of Indians either (1) the difference between the net income which would have been and would be received from an acreage which would have produced, under selective cutting, if then cut, the same volume of timber as that unlawfully cut, from the time of the commencement of the unlawful cutting up to the time when the timber unlawfully cut shall have been replaced by replanting and the sustained yield from the said replanted timber shall be equal, acre for acre, to the sustained yield from the timber had it been selectively cut so as to perpetuate the forest, as required by law, with interest thereon at the rate of 4 percent per annum for the same period, said period, wherever specified herein, to be deemed to end 60 years from the time of replacement by planting, unless otherwise determined at the trial, plus the cost of replacement of the timber on the same areas including the necessary protection until the replanted timber shall have attained the said sustained yield, and the net income that has been and will be received from the liquidation of the timber on the acreage unlawfully cut; or (2) the cost of replacement of timber on the respective areas thus unlawfully cut, including the necessary protection until the replanted timber shall have attained the aforesaid sustained yield, plus interest at 4 percent per annum for the same period of time on an amount equal to the reasonable value as of the date of the unlawful cutting of the timber on the areas thus cut, whichever is the greater. The term "net income" shall include the stumpage value of the timber that would have been cut under selective cutting or that was cut under clear cutting. The cost of replacement, including fire lines of the timber on the acreage unlawfully cut over, unless proved otherwise at the trial, shall be deemed to be \$15 per acre, and the annual cost of fire protection, unless proved otherwise at the trial, shall be deemed to be 6 cents per acre per year."

On page 4, line 6, strike the quoted phrase "said suit" and insert in lieu thereof the quoted phrase "such suit."

The committee amendments were agreed to.

Mr. BOILEAU. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU: On page 2, line 18, strike out "1937" and insert "1938."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### CONSENT CALENDAR

##### WISCONSIN CHIPPEWA JURISDICTIONAL ACT

The Clerk called the bill (H. R. 8502) to amend the Wisconsin Chippewa Jurisdictional Act of August 30, 1935 (49 Stat. L. 1049).

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I reserve the right to object. I have a letter from the Attorney General with reference to this bill in which he sets out five specific objections, each one an outstanding objection. This measure in its present form would permit the Indians not only to recover for the land but also for the value of the minerals and timber that have been taken from those lands. I ask unanimous consent to place in the RECORD at this point the letter of the Attorney General, because I do not propose to permit the bill to be considered by unanimous consent if I can prevent it.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. O'MALLEY. Mr. Speaker, this act does nothing but amend the original act, which allowed all these things the

gentleman complains of. This act does nothing but allow the Indians in Minnesota and other States to participate in the suits that the original act allowed. All the things the gentleman complains of, and the Attorney General just determines to be wrong with the original act, were not referred to apparently when the original act was passed; and it seems unfair to refuse to permit a few Indians in other States to have their cases adjudicated when the Indians in Wisconsin have already that right, by reason of the original act.

Mr. COCHRAN. The reason that what the gentleman says is true is because no Member of the House at the time the original resolution was passed was paying any attention to the interest of the taxpayers of the United States. In those days no matter what was in a resolution referring a claim to the Court of Claims there was no objection. It was a mistake then and is now.

Mr. O'MALLEY. I do not say that such a condition the gentleman refers to existed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. O'MALLEY. Mr. Speaker, I reserve the right to object. I do this in order that the gentleman who is the author of the bill may explain his reason, and I yield to the gentleman from Wisconsin.

Mr. GEHRMANN. Mr. Speaker, as far as I am concerned, my Indians have been taken care of, and I am doing this at the request of the attorney general of the State of Wisconsin. The Indians are not paying for this unless they have something coming. The State of Wisconsin is carrying on this suit, and the Indians of Minnesota and Michigan, a part of this band originally, are now living in those States, and they sent a delegation down here last year, and they feel that we were not playing fair to exclude them. It is a question of whether or not they will be allowed to present their claim, and the bill is so drawn.

Mr. O'MALLEY. The Wisconsin Indians under the other jurisdictional act will go into court?

Mr. GEHRMANN. Yes.

Mr. O'MALLEY. And if the gentleman from Missouri objects to this amendment, he will deprive the Indians in the other States from having the same thing that the Wisconsin Indians are getting.

Mr. GEHRMANN. That is correct.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. O'MALLEY. Yes.

Mr. COCHRAN. The author of the bill states that he is acting for the attorney general of his State. I am acting for the Attorney General of the United States. I think the best thing to do is to let this letter go into the RECORD and let the gentlemen read it, and then when the bill is called up again answer the argument of the Attorney General if it can be answered, or, better still, consult with him and bring back his views after you have presented your case.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. DONDERO. Mr. Speaker, I reserve the right to object to say to my friend from Missouri that the Chippewa Indians of my State and district have also sent delegations to me regarding this very matter. I hope the gentleman from Missouri will not object to this bill.

Mr. COCHRAN. I certainly propose to object to the bill.

The SPEAKER. The gentleman from Missouri is merely asking that a letter from the Attorney General may be incorporated in the RECORD at this point. Is there objection to the request of the gentleman from Missouri?

There was no objection.

OFFICE OF THE ATTORNEY GENERAL,  
Washington, D. C., March 1, 1938.

HON. JOHN J. COCHRAN,

Chairman, Committee on Expenditures  
in the Executive Departments, Washington, D. C.

MY DEAR MR. CHAIRMAN: This acknowledges your request for my views relative to a bill (H. R. 8502) to amend the Wisconsin Chippewa Jurisdictional Act of August 30, 1935.

The purpose of the bill under consideration is to extend the prior act, which was limited only to claims of the Wisconsin Chippewa Indians, so as to include the claims of Michigan and Minnesota Chippewa Indians.

The measure would permit a recovery for the value of minerals or timber taken from the land occupied by the Indians. This would seem an undesirable provision, as the liability of the Government should not extend to such an item.

The legislation fails to protect the United States against recovery of interest. In view of the long period of time that has elapsed since the accrual of some of the claims, it hardly seems appropriate that jurisdiction to render judgment against the Government should be granted without any limitation as to the right to award interest.

The bill contains a provision that either party shall have the right of appeal to the Supreme Court of the United States from any judgment of the Court of Claims. As under general law review by the Supreme Court may be secured only by a writ of certiorari, I see no reason why an exception should be made for a specific litigant.

It is proposed that the claimants be given a period of 8 years within which to file suit. Ordinarily a maximum limit of 5 years is included in jurisdictional acts of this type, and it would seem reasonable that the customary practice be followed in the instance.

The bill would also permit the amendment of petitions to conform to the evidence at any time prior to the argument before the Court of Claims. This provision seems too broad, as it may possibly be construed so as to permit the interposition of new claims after they would otherwise be barred.

In view of the foregoing considerations, I am unable to recommend the enactment of the bill in its present form.

Sincerely yours,

HOMER CUMMINGS, *Attorney General.*

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### EXPATRIATION LAWS

The Clerk called the bill (H. R. 7546) to clarify the expatriation laws with regard to certain native-born citizens of the United States, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOSER of Pennsylvania. Mr. Speaker, I object.

PACT BETWEEN MINNESOTA, SOUTH DAKOTA, AND NORTH DAKOTA

The Clerk called the bill (H. R. 8043) authorizing and consenting to an interstate compact between the States of Minnesota, South Dakota, and North Dakota relating to the utilization of, the control of the floods of, and the prevention of the pollution of the waters of the Red River of the North and streams tributary thereto.

There being no objection, the Clerk proceeded to read the bill.

Mr. LEMKE (interrupting the reading). Mr. Speaker, a similar bill, S. 1570, has already passed the Senate. I ask unanimous consent to substitute this for the Senate bill and then to amend the Senate bill by striking out all after the enacting clause and inserting the House bill.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill by title.

The Clerk read as follows:

S. 1570, granting the consent of Congress to compacts or agreements between the States of Minnesota, South Dakota, and North Dakota with respect to the Red River of the North.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from North Dakota.

The Clerk read as follows:

Strike out all after the enacting clause in the Senate bill and insert H. R. 8043.

The SPEAKER. Does the gentleman desire to insert the House bill as amended?

Mr. LEMKE. Yes.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The SPEAKER. The Clerk will report the bill as amended.

LXXXIII—239

The Clerk read as follows:

S. 1570

An act granting the consent of Congress to compacts or agreements between the States of Minnesota, South Dakota, and North Dakota with respect to the Red River of the North

*Be it enacted, etc.,* That the consent of Congress is hereby given to the compact and agreement set forth below: *Provided,* That nothing therein contained shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the Red River of the North and streams tributary thereto, or in regard to any of the matters covered by the said compact:

"A COMPACT BETWEEN THE STATE OF SOUTH DAKOTA, THE STATE OF NORTH DAKOTA, AND THE STATE OF MINNESOTA

"This compact made and entered into by and between the State of South Dakota, the State of North Dakota, and the State of Minnesota, Witnesseth:

"Whereas the Red River of the North, which has its source in the State of South Dakota, and which flows northward, forming the boundary line between the State of Minnesota and the State of North Dakota, has a drainage area which includes a portion of all three States; and

"Whereas the surface waters in said drainage area, if properly conserved and regulated, will produce benefits common to all three of said States; and

"Whereas the interests of the people of said three States will be best served by the organization of an interstate authority vested with sufficient power; and

"Whereas all three States have mutual interests in the regulation and administration of said surface waters in said drainage area; and

"Whereas it is highly desirable that there be a single agency of all three of said States empowered to further the aforesaid regulation and administration of said surface waters in the interests of all of said States:

"Now, therefore, the State of South Dakota, the State of North Dakota, and the State of Minnesota do hereby solemnly covenant and agree each with the other as follows:

#### "ARTICLE I

"The following terms, whenever used in this agreement, shall have the following meanings, unless a different meaning clearly appears in the context:

"(a) The term 'commission' shall mean the Tri-State Waters Commission, the corporation created by this agreement and the acts authorizing the same.

"(b) The term 'acquire' shall mean and include construct, acquire by purchase, lease, devise, gift, or the exercise of the rights of eminent domain, or any other mode of acquisition whatsoever.

"(c) The term 'Federal agency' shall mean and include the United States of America, the President of the United States of America, the Public Works Administration, the Works Progress Administration, and any and every other authority, agency, or instrumentality of the United States of America heretofore or hereafter created or established.

"(d) The term 'real property' shall mean and include lands, structures, franchises, and interests in land, including waters and riparian rights, and any and all things and rights usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments, and every estate, interest or right, legal or equitable, including terms of years and liens thereon by way of judgments, mortgages, or otherwise, and also claims for damages to real estate.

"(e) The term 'drainage area' shall mean the area from which surface waters drain from the States of South Dakota, Minnesota, and North Dakota into the Red River of the North.

#### "ARTICLE II

"Each of the States of North Dakota, South Dakota, and Minnesota undertake to cooperate with the other two States for the most advantageous utilization of the waters of the Red River of the North for the control of the flood waters of this river and for the prevention of the pollution of such waters.

#### "ARTICLE III

"To that end the said three States do hereby create a district to be known as the tri-State waters area, which shall comprise that portion of the drainage basin of the Red River of the North lying within the boundaries of the said States.

#### "ARTICLE IV

"The said three States do hereby create the Tri-State Waters Commission, which shall be a body corporate and shall have the powers, duties, and jurisdiction herein set forth, and such other powers, duties, and jurisdiction as shall hereafter be conferred upon it by acts of the legislatures of each of said three States concurred in, when of a character to require such concurrence, by act of Congress

#### "ARTICLE V

"The Tri-State Waters Commission, hereafter in this compact called the Commission shall consist of nine commissioners three from each State, appointed by each State in such manner and for such length of term as may be determined by the legislature thereof. Each commissioner shall be a citizen of the State from which he is



appointed, and at least one commissioner from each State shall be a resident of the drainage area of the Red River of the North. Each commissioner may be removed or suspended from office in such manner as shall be provided by the law of the State from which he shall be appointed. Each commissioner shall receive such compensation as may be provided by the legislature of the State he represents, which compensation shall be paid by such State. Each commissioner shall be paid actual expenses necessarily incurred in the performance of his duties as such commissioner.

#### "ARTICLE VI

"The commission shall elect from its number a chairman and vice chairman, and shall appoint and at its pleasure remove an executive secretary and such other officers and assistants as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications, and compensation.

"It shall adopt a seal and suitable bylaws and shall promulgate rules and regulations for its management and control.

"A majority of the members from each State shall constitute a quorum for the transaction of business, the exercise of any powers, or the performance of any duties, but no action of the commission shall be binding unless at least two of the members from each State shall vote in favor thereof.

"The commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report to the Governor of each State setting forth in detail the operations and transactions conducted by it pursuant to this compact, and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the said States which may be necessary to carry out the intent and purpose of this compact, and such changes in the area of the district as may seem desirable.

"The Commission shall not incur any obligations for salaries, office, or other administrative expenses prior to the making of appropriation adequate to meet the same; nor shall the Commission pledge the credit of any of the said States except by and with the authority of the legislatures thereof. Each State reserves the right to provide hereafter by law for the examination and audit of the accounts of the Commission by its comptroller or other official.

"The Commissioner shall meet and organize within 30 days after the effective date of this compact.

#### "ARTICLE VII

"It shall be the duty of the Commission to study the various water problems relating to water supply with the Tri-State Waters Area.

#### "ARTICLE VIII

"Plans for works on boundary waters in said drainage area prepared by the State, municipal, or industrial agencies shall receive the approval of the Commission before construction is begun.

"It shall be the duty of the commission to maintain and control lake levels and stream flow on boundary waters within the area, but such action shall be taken only with the approval of the authorized county or State agencies, in which such lake or stream is located, but said commission shall have no power or jurisdiction over water levels or stream flow in the Otter Tail River which is known as that portion of the Red River originating in Becker and Otter Tail counties extending and flowing through in a southerly and southwesterly direction through the counties of Becker, Otter Tail, and Wilkin, and emptying into the Red River of the North at the junction of the Boies de Sioux at Breckenridge, Minn., and its chain of lakes and its tributaries.

"The Commission shall have power to cooperate with any duly authorized Federal, State, or municipal agency in studies and surveys, construction, maintenance, and operation of water projects within the scope of its jurisdiction.

"The commission shall be authorized to exercise the power of eminent domain, to acquire such real and personal property as may be reasonably necessary to effectuate the purposes of this compact, and to exercise all other powers not inconsistent with the constitutions of the States of North Dakota, South Dakota, and Minnesota, or with the Constitution of the United States, which may be reasonably necessary or appropriate for or incidental to the effectuation of its authorized purposes, and generally to exercise in connection with the property and affairs and in connection with property within its control any and all powers which may be exercised by a private corporation in connection with similar property and affairs.

#### "ARTICLE IX

"The commission shall study the methods of financing the construction, control, maintenance, and operation of projects and shall recommend for enactment to the legislatures of the States concerned such legislation as will effectuate the purposes and ends of the commission.

#### "ARTICLE X

"Each State shall bear its proportionate share of the expense of the commission based on the pro rata value to such State of the activities of the commission, which expense shall be provided for by appropriation by the legislature.

#### "ARTICLE XI

"Should any part of this compact be held to be contrary to the constitution of any of said States or of the United States such part of said compact shall become inoperative as to each State, but all other severable provisions of this compact shall continue in full force and effect.

#### "ARTICLE XII

"This compact shall become operative immediately after it has been signed by the Governor of the State of South Dakota, the Governor of the State of North Dakota, and the Governor of the State of Minnesota.

"In testimony whereof the Governor of the State of South Dakota, the Governor of the State of North Dakota, and the Governor of the State of Minnesota have signed this compact in triplicate and the seals of said States have been thereunto affixed.

"Done this 23d day of June, 1937.

"LESLIE JENSON,

"Governor of the State of South Dakota.

"WILLIAM LANGER,

"Governor of the State of North Dakota.

"ELMER A. BENSON,

"Governor of the State of Minnesota."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to; and the Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### SCHOOLS IN ALASKA

The Clerk called the next bill, H. R. 9358, to authorize the withdrawal and reservation of small tracts of the public domain in Alaska for schools, hospitals, and other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to withdraw and permanently reserve small tracts of not to exceed 640 acres each of the public domain in Alaska for schools, hospitals, and such other purposes as may be necessary in administering the affairs of the Indians, Eskimos, and Aleuts of Alaska: *Provided*, That such withdrawals shall be subject to any valid existing rights.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

The Clerk called the next bill, H. R. 7515, to authorize the sale of certain lands of the Eastern Band of Cherokee Indians, North Carolina.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized, in his discretion, with the approval of the Eastern Band of Cherokee Indians expressed through its duly constituted tribal authorities or by a majority vote of the qualified members of the said band voting at an election called by the Secretary of the Interior in which at least 30 percent of those entitled to vote shall vote, to sell and to convey to the purchasers any lands held by the United States in trust for the Eastern Band of Cherokee Indians lying outside of the Qualla boundary, and the said Secretary is further authorized to use the funds received from such sales for such purpose as the tribal council may approve, including the purchase of other lands for said Indians. Title to any land purchased under this authority shall be taken in the name of the United States of America in trust for the Eastern Band of Cherokee Indians. Any lands so purchased shall have the same status as other tribal lands of the said Eastern Band of Cherokee Indians.

With the following committee amendment:

Page 2, line 1, strike the comma after the word "boundary" and insert a period in lieu thereof. Strike the remainder of line 1, all of line 2 down to and including the word "sales", and insert in lieu thereof the following: "Funds received from sales herein authorized shall be deposited in the Treasury to the credit of the Eastern Band of Cherokee Indians and shall be available for future appropriation."

Mr. KELLER. Mr. Speaker, I move to strike out the last word to ask the author of the bill to explain the bill and its purpose.

Mr. ROGERS of Oklahoma. Mr. Speaker, if the gentleman will yield, I do not believe the author of the bill is present. If I can answer the gentleman's questions I shall be pleased to.

Mr. KELLER. I would like a little explanation of the bill, that is all.

Mr. ROGERS of Oklahoma. These Indians have some land they are not using, land that is scattered. It is too far away to be of any use to them, and they merely want authority to sell it, in order that the funds may be deposited to their credit.

Mr. KELLER. It does not destroy the holdings of the Cherokee Indians in that section?

Mr. ROGERS of Oklahoma. No; it does not. These lands are just scattered tracts that are of no actual use to them.

Mr. KELLER. It will not destroy their holdings at the present time or the status of the Indians?

Mr. ROGERS of Oklahoma. No.

Mr. KELLER. I do not want to agree to anything like that, at least.

The SPEAKER pro tempore (Mr. WOODRUM). The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### FEDERAL TRADE COMMISSION INVESTIGATION OF MOTOR INDUSTRY

The Clerk called the joint resolution (H. J. Res. 594), directing the Federal Trade Commission to investigate the policies employed by manufacturers in distributing motor vehicles, accessories, and parts, and the policies of dealers in selling motor vehicles at retail, as these policies affect the public interest.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection the Clerk read the joint resolution, as follows:

*Resolved, etc.,* That the Federal Trade Commission be, and is hereby, directed and authorized under the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914, to investigate the policies employed by manufacturers in distributing motor vehicles, accessories, and parts, and the policies of dealers in selling motor vehicles at retail, as these policies affect the public interest.

The purpose of this investigation shall be to determine—

1. The extent of concentration of control and of monopoly in the manufacturing, warehousing, distribution, and sale of automobiles, accessories, and parts, including methods and devices used by manufacturers for obtaining and maintaining their control or monopoly of such manufacturing, warehousing, distribution, and sale of such commodities, and the extent, if any, to which fraudulent, dishonest, unfair, and injurious methods are employed, including combinations, monopolies, price fixing, or unfair trade practices;

2. The extent to which any of the antitrust laws of the United States are being violated; and

3. For the purposes of the investigation hereby directed and authorized, the Federal Trade Commission is given all the powers conferred upon it by the Federal Trade Commission Act.

Sec. 2. The Federal Trade Commission shall report its findings to the Congress of the United States within 1 year from date of enactment of this resolution, recommending whatever remedial legislation it deems necessary and proper.

Sec. 3. The sum of \$50,000 is hereby authorized to be appropriated to the Federal Trade Commission for the purpose of making this investigation.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### SHASTA AND KLAMATH NATIONAL FORESTS, CALIF.

The Clerk called the next bill, H. R. 7689, to authorize the addition of certain lands to the Shasta and Klamath National Forests, Calif.

Mr. MARTIN of Colorado. Mr. Speaker, reserving the right to object, and I shall not, I regret that the chairman of the Committee on the Public Lands is not present, for I wanted to ask him what distinguishes this bill and three other similar bills on the calendar for the addition of lands to the national forests from other bills of this character pending before the Public Lands Committee on which we seem to be unable to get hearings after the Secretary of one of the departments sends up an objection to the legislation?

Far from objecting to this type of legislation I am very strongly in favor of it as the only method of properly rehabilitating these lands by their inclusion in the national forests and their treatment by the Forest Service. All the Taylor Act can do for them is to prevent or regulate grazing on them. It seems to me we are entitled to a hearing on other bills of similar character even though one of the Secretaries thinks they ought not to be passed. Members charged with responsibility for these desired forest additions should be relieved at least to the extent of a committee decision on the matter.

Mr. TARVER. Mr. Speaker, reserving the right to object, I think some explanation should be made of the necessity for this legislation. The National Forest Reservation Commission now has authority to set up purchase units for the acquisition of lands for national forests anywhere in the country that it may desire. Legislation of this kind is entirely unnecessary unless it is intended to control the discretion of the National Forest Reservation Commission as to where it shall purchase units and what lands it shall acquire.

I shall be compelled to object unless some explanation is given other than I am now familiar with for the legislation.

Mr. ENGLEBRIGHT. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. ENGLEBRIGHT. I may say that the Forest Service in California at least consults with the boards of supervisors, county commissioners, forest commissions, and so on before any of these exchanges are approved, and if there is objection they do not make them. I think this answers the question the gentleman asked.

Mr. TARVER. The gentleman speaks of exchanges, as I understand him.

Mr. ENGLEBRIGHT. Yes.

Mr. TARVER. I thought this bill provided for acquisition by purchase.

Mr. ENGLEBRIGHT. No; by exchange for lands within the forest reservations. This is entirely for protection purposes.

Mr. TARVER. It does not refer to the acquisition of land by purchase?

Mr. ENGLEBRIGHT. No.

Mr. TARVER. Mr. Speaker, I withdraw my reservation of objection.

Mr. MARTIN of Colorado. Was an objection made to the gentleman's bill by one of the departments on the ground that the land involved would also come under the Taylor Grazing Act and therefore ought to be left in the jurisdiction of that department?

Mr. ENGLEBRIGHT. There were some lands included in the original measure that have since been taken out, as I understand it, so that they will come under the Taylor Grazing Act.

The SPEAKER pro tempore (Mr. WOODRUM). Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That within the following-described areas any lands not in Government ownership, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered in exchange under the provisions of the act of March 20, 1922 (Public, No. 173; 42 Stat. L. 465), as amended by the act of February 28, 1925 (Public, No. 513), upon notice as therein provided and upon acceptance of title, shall become parts of the said national forests; and any of such described areas in Government ownership, chiefly valuable for national-forest purposes and not now parts of any national forest, may be added to said national forest as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals:

To the Shasta National Forest, Calif.:

T. 40 N., R. 4 W., secs. 7, 8, 9, 16, 17, 18, 20, and 21;

T. 40 N., R. 7 W., secs. 6 and 7;

T. 40 N., R. 8 W., secs. 1, 2, 3, 5, to 11, inclusive, 15 to 18, inclusive, 21, and 22;

T. 40 N., R. 9 W., secs. 1, 12, and 13;

T. 41 N., R. 5 W., secs. 4 and 5;

All T. 41 N., R. 9 W.;

T. 41 N., R. 10 W., secs. 25 and 36;

T. 43 N., R. 3 W., secs. 3 to 11, inclusive, and 17 to 19, inclusive;

T. 43 N., R. 4 W., secs. 1 to 13, inclusive, 15 to 19, inclusive, 21, 22, 23, 25, and 27 to 33, inclusive;

T. 44 N., R. 3 W., secs. 1 to 5, inclusive, 7 to 17, inclusive, 19 to 29, inclusive, and 31 to 36, inclusive;

T. 44 N., R. 4 W., secs. 1, 2, 3, 10 to 15, inclusive, 22 to 27, inclusive, 34, 35, and 36;

T. 45 N., R. 1 E., secs. 1 to 6, inclusive, and 8 to 18, inclusive;

T. 45 N., R. 2 E., secs. 1 to 13, inclusive, 17 and 18;

T. 45 N., R. 1 W., secs. 1 to 18, inclusive;

All T. 45 N., R. 2 W.;

T. 45 N., R. 3 W., secs. 1, 3 to 18, inclusive, 21 to 27, inclusive, 31, 33, 34, 35, and 36;



T. 45 N., R. 4 W., secs. 1, 3, 10 to 13, inclusive, 15, 22, 23, 25, 27, 34, 35, and 36;  
 All T. 46 N., R. 2 W.;  
 T. 46 N., R. 3 W., secs. 1, 2, 13, 24, 25, 29, 32, 33, 35, and 36;  
 T. 46 N., R. 4 W., secs. 1 to 11, inclusive, 14 to 23, inclusive, and 25 to 36, inclusive;  
 All T. 47 N., R. 2 W.;  
 T. 47 N., R. 3 W., secs. 1, 2, 3, 9 to 17, inclusive, 21 to 27, inclusive, 29, 34, 35, and 36;  
 All T. 47 N., R. 4 W.;  
 T. 48 N., R. 2 W., secs. 13 to 21, inclusive, and 23 to 36, inclusive;  
 T. 48 N., R. 3 W., secs. 13 to 17, inclusive, 20 to 29, inclusive, and 32 to 36, inclusive;  
 All T. 48 N., R. 4 W.;  
 All Mount Diablo base and meridian, California.  
 To the Klamath National Forest, Calif.:  
 T. 41 N., R. 10 W., sec. 1;  
 T. 42 N., R. 9 W., secs. 5 to 8, inclusive, 17 to 20, inclusive, and 29 to 32, inclusive;  
 T. 42 N., R. 10 W., secs. 1 to 5, inclusive, 7 to 19, inclusive, 21 to 25, inclusive, and 36;  
 T. 43 N., R. 9 W., secs. 4 to 9, inclusive, 16 to 20, inclusive, and 29 to 32, inclusive;  
 All T. 43 N., R. 10 W.;  
 T. 44 N., R. 7 W., sec. 6;  
 T. 44 N., R. 8 W., secs. 1, 2, 3, 4, 5, 7 to 36, inclusive;  
 T. 44 N., R. 9 W., secs. 1, 3 to 9, inclusive, and 11 to 36, inclusive;  
 T. 44 N., R. 10 W., secs. 1 to 5, inclusive, and 7 to 36, inclusive;  
 T. 45 N., R. 7 W., secs. 20, 29, and 30;  
 T. 45 N., R. 8 W., secs. 25, 26, 34, 35, and 36;  
 T. 47 N., R. 7 W., secs. 2 to 29, inclusive, 35 and 36;  
 T. 47 N., R. 8 W., sec. 1;  
 T. 48 N., R. 7 W., secs. 16 to 21, inclusive, and 27 to 34, inclusive;  
 T. 48 N., R. 8 W., secs. 13, 14, 15, 22, 23, 24, 25, 27, 35, and 36;  
 All Mount Diablo base and meridian, California.

With the following committee amendment:

Page 2, line 1, after the word "ownership", insert "found by the Secretaries of Agriculture and the Interior to be."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ADDITION OF CERTAIN LANDS TO THE MODOC, SHASTA, AND LASSEN NATIONAL FORESTS, CALIF.

The Clerk called the next bill, H. R. 7688, to authorize the addition of certain lands to the Modoc, Shasta, and Lassen National Forests, Calif.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That within the following-described areas any lands not in Government ownership, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered in exchange under the provisions of the act of March 20, 1922 (Public, No. 173; 42 Stat. L. 465), as amended by the act of February 28, 1925 (Public, No. 513), upon notice as therein provided and upon acceptance of title, shall become parts of the said national forests; and any of such described areas in Government ownership, chiefly valuable for national-forest purposes and not now parts of any national forest, may be added to said national forests as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals:

To the Shasta National Forest, Calif.:  
 T. 36 N., R. 3 E., sec. 36;  
 T. 36 N., R. 4 E., secs. 7 to 9, inclusive, 16 to 21, inclusive, and 28 to 33, inclusive;  
 T. 37 N., R. 3 E., secs. 1, 9, 10, 15, and 16;  
 T. 37 N., R. 4 E., secs. 5 and 8;  
 T. 38 N., R. 4 E., secs. 1, 2, 11 to 20, inclusive, and 29 to 32, inclusive;  
 T. 38 N., R. 4 W., sec. 21;  
 T. 38 N., R. 5 E., secs. 4 to 9, inclusive, 18 and 19;  
 T. 39 N., R. 4 E., secs. 13, 24, 25, 26, 35, and 36;  
 T. 39 N., R. 5 E., secs. 7, 8, 9, 15 to 22, inclusive, and 27 to 34, inclusive;  
 To the Modoc National Forest, Calif.:  
 T. 36 N., R. 7 E., secs. 2, 10, 11, 14, 15, 16, 21 to 28, inclusive, and 32 to 36, inclusive;  
 T. 36 N., R. 10 E., secs. 3, 16, 17, 21, 22, and 27;  
 T. 37 N., R. 6 E., secs. 1, 2, 3, 10 to 14, inclusive, 23 to 26, inclusive, 35, and 36;  
 T. 37 N., R. 7 E., secs. 4 to 9, inclusive, 16 to 21, inclusive, 28 to 31, inclusive, and 36;  
 T. 37 N., R. 8 E., secs. 16, 20, and 30;  
 T. 37 N., R. 9 E., secs. 1, 2, and 12;  
 T. 37 N., R. 10 E., secs. 5, 6, 7, and 8;  
 T. 37 N., R. 11 E., secs. 6, 7, and 20;  
 T. 38 N., R. 5 E., secs. 21, 22, 25, 26, 27, 34, 35, and 36;  
 All T. 38 N., R. 6 E.;  
 T. 38 N., R. 7 E., secs. 6, 7, 18, 19, 30, 31, 32, and 33;

T. 38 N., R. 9 E., sec. 35;  
 T. 38 N., R. 10 E., secs. 5, 8, 16, 17, 20, 21, 25, 29, 32, and 36;  
 T. 38 N., R. 11 E., secs. 11 and 12;  
 T. 38 N., R. 16 E., secs. 1 and 12;  
 T. 38 N., R. 17 E., secs. 7, 18, 19, 30, and 31;  
 T. 39 N., R. 5 E., secs. 13, 24, and 25;  
 T. 39 N., R. 6 E., secs. 1 to 14, inclusive, and 16 to 36, inclusive;  
 T. 39 N., R. 7 E., secs. 6, 7, 18, 19, 30, and 31;  
 T. 39 N., R. 10 E., sec. 1;  
 T. 39 N., R. 11 E., secs. 1 to 14, inclusive, 16, 17, 18, 22, and 23;  
 T. 39 N., R. 16 E., secs. 1, 2, 12, 13, 24, 25, and 36;  
 T. 40 N., R. 5 E., secs. 1 to 28, inclusive, 35, and 36;  
 T. 40 N., R. 6 E., secs. 35 and 36;  
 T. 40 N., R. 10 E., secs. 1 to 4, inclusive, 9 to 15, inclusive, 24, 25, and 36;  
 T. 40 N., R. 11 E., secs. 5 to 8, inclusive, 16 to 21, inclusive, and 28 to 35, inclusive;  
 T. 41 N., R. 5 E., secs. 31 to 36 inclusive;  
 T. 41 N., R. 9 E., secs. 23, 24, 25, and 36;  
 T. 41 N., R. 10 E., secs. 16 to 21, inclusive, and 26 to 36, inclusive;  
 T. 41 N., R. 11 E., sec. 32;  
 T. 43 N., R. 5 E., secs. 2 to 11, inclusive, and 14 to 18, inclusive;  
 T. 43 N., R. 13 E., secs. 2, 3, 10, and 15;  
 T. 44 N., R. 5 E., secs. 19 to 23, inclusive, and 26 to 35, inclusive;  
 T. 44 N., R. 13 E., secs. 3, 10, 14, 15, 16, 22, 23, 26, 27, 34, and 35;  
 T. 46 N., R. 14 E., secs. 2 and 11;  
 T. 46 N., R. 15 E., secs. 1 and 12;  
 T. 46 N., R. 16 E., secs. 6 and 7;  
 T. 47 N., R. 14 E., sec. 36;  
 To the Lassen National Forest, Calif.:  
 T. 27 N., R. 10 E., sec. 6;  
 T. 28 N., R. 6 E., secs. 1, 2, 3, 12, 13, 14, 22 to 27, inclusive, 32, 33, 34, 35, and 36;  
 T. 28 N., R. 7 E., secs. 2 to 8, inclusive, 11 to 14, inclusive, 18, 19, 23 to 26, inclusive, 29 to 33, inclusive, and 36;  
 All T. 28 N., R. 8 E.;  
 All T. 28 N., R. 9 E.;  
 T. 28 N., R. 10 E., secs. 5 to 8, inclusive, 16 to 20, inclusive, 30, and 31;  
 T. 29 N., R. 6 E., secs. 23 to 26, inclusive, 35, and 36;  
 T. 29 N., R. 7 E., secs. 13, 16, 19, 20, 21, 24, 25, and 28 to 36, inclusive;  
 T. 29 N., R. 8 E., secs. 14 to 36, inclusive;  
 T. 29 N., R. 9 E., secs. 1, 9 to 16, inclusive, and 21 to 36, inclusive;  
 T. 29 N., R. 10 E., secs. 1 and 36;  
 T. 29 N., R. 11 E., secs. 1 to 24, inclusive;  
 T. 30 N., R. 10 E., secs. 1 to 18, inclusive, 21 to 27, inclusive, and 36;  
 All of T. 30 N., R. 11 E.;  
 T. 30 N., R. 12 E., secs. 1 to 12, inclusive, 16 to 21, inclusive;  
 T. 30 N., R. 13 E., secs. 5 to 8, inclusive;  
 T. 31 N., R. 9 E., sec. 36;  
 All of T. 31 N., R. 10 E.;  
 All of T. 31 N., R. 11 E.;  
 T. 31 N., R. 12 E., secs. 17, 18, 19, 20, 22, and 25 to 36, inclusive;  
 T. 32 N., R. 11 E., secs. 22 to 36, inclusive;  
 T. 35 N., R. 7 E., secs. 7 to 11, inclusive, 14, 15, 16, 23, 24, 25, and 36;  
 T. 35 N., R. 8 E., secs. 30, 31, and 32;  
 T. 36 N., R. 7 E., sec. 31;  
 All of Mount Diablo base and meridian, California.

With the following committee amendments:

Page 1, line 1, after the word "ownership", insert "found by the Secretaries of Agriculture and the Interior to be."

Page 2, strike out lines 21 and 23 and lines 24 and 25, inclusive, page 3, strike out lines 1 to 13 and lines 16 to 25, all of page 4, and lines 3 and 4, and 7 to 12, inclusive, on page 5, and lines 7 to 25, inclusive, page 6, and lines 1 to 3, inclusive, page 7.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ADDITION OF CERTAIN LANDS TO PLUMAS, TAHOE, AND LASSEN NATIONAL FORESTS, CALIF.

The Clerk called the next bill, H. R. 7690, to authorize the addition of certain lands to the Plumas, Tahoe, and Lassen National Forests, Calif.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That within the following-described areas any lands not in Government ownership, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered in exchange under the provisions of the act of March 20, 1922 (Public, No. 173; 42 Stat. L. 465), as amended by the act of February 28, 1925 (Public, No. 513), upon notice as therein provided and upon acceptance of title, shall become parts of the said national forests; and any of such described areas in Government ownership, chiefly valuable for national-forest purposes and not now parts of any national forest, may be added to said national forests as herein provided by proclamation of the

President, subject to all valid claims and provisions of existing withdrawals:

To the Plumas National Forest, Calif.:  
 T. 19 N., R. 6 E., secs. 1, 12, and 13;  
 T. 19 N., R. 7 E., secs. 2 to 11, inclusive, 14 to 23, inclusive, and 26 to 35, inclusive;  
 T. 21 N., R. 14 E., sec. 4;  
 T. 22 N., R. 14 E., secs. 10, 15, 16, 21, 22, 27, 28, 33, and 34;  
 T. 24 N., R. 9 E., secs. 12, 13, 14, and 15;  
 T. 24 N., R. 10 E., secs. 7, 16, 17, 18, 20, and 21;  
 T. 25 N., R. 16 E., secs. 3, 10 to 14, inclusive, 24 and 25;  
 T. 26 N., R. 15 E., sec. 13;  
 T. 26 N., R. 16 E., secs. 18, 19, 20, 29, 30, 32, and 33;  
 T. 27 N., R. 13 E., sec. 1;  
 T. 27 N., R. 14 E., secs. 7, 17, 21, 27, 35, and 36;  
 T. 27 N., R. 15 E., secs. 31 and 32;  
 T. 28 N., R. 13 E., secs. 6, 7, 8, 15 to 18, inclusive, 21, 22, 23, 26, 27, and 36;  
 All Mount Diablo base and meridian, California.  
 T. 19 N., R. 18 E.—that part of the following sections situated in the State of California, to wit:  
 Secs. 6, 7, 18, 19, 30, and 31;  
 T. 20 N., R. 18 E.—that part of the following sections situated in the State of California, to wit: Secs. 6, 7, 18, 19, 30, and 31;  
 T. 21 N., R. 14 E., secs. 9, 16, and 21;  
 T. 21 N., R. 17 E., secs. 17, 19, 20, 28, 29, 33, 34, 35, and 36;  
 T. 22 N., R. 16 E., secs. 23 and 24;  
 To the Lassen National Forest, Calif.:  
 T. 25 N., R. 1 E., secs. 1 to 18, inclusive;  
 T. 25 N., R. 2 E., secs. 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36;  
 T. 25 N., R. 3 E., secs. 1, 3, 7, 8, 9, and 11 to 36, inclusive;  
 T. 25 N., R. 4 E., secs. 4 to 9, inclusive, 16 to 21, inclusive, and 28 to 33, inclusive;  
 All T. 26 N., R. 1 E.  
 T. 26 N., R. 3 E., secs. 1, 2, 3, 10 to 16, inclusive, 22 to 28, inclusive, 33, 34, 35, and 36;  
 T. 26 N., R. 4 E., secs. 5, 6, 7, 8, 15 to 22, inclusive, and 27 to 33, inclusive;  
 T. 27 N., R. 1 W., secs. 1, 2, 3, 10 to 15, inclusive, 22 to 27, inclusive, 34, 35, and 36;  
 T. 27 N., R. 1 E., secs. 35 and 36;  
 T. 27 N., R. 2 E., sec. 36;  
 T. 27 N., R. 3 E., secs. 11 to 17, inclusive, 19, 20, 21, 23 to 27, inclusive, and 29 to 36, inclusive;  
 T. 27 N., R. 4 E., sec. 31;  
 T. 28 N., R. 1 W., secs. 1, 12, 13, 24, 25, and 36;  
 T. 28 N., R. 1 E., sec. 1;  
 T. 28 N., R. 2 E., secs. 1 to 18, inclusive, 23, 24, 25, 26, 35, and 36;  
 T. 28 N., R. 3 E., secs. 6, 7, 16, 18, 19, 20, 21, 22, and 27 to 33, inclusive;  
 T. 29 N., R. 1 W., sec. 36;  
 T. 29 N., R. 1 E., secs. 23 to 26, inclusive, and 31 to 36, inclusive;  
 T. 29 N., R. 2 E., secs. 19 to 36, inclusive;  
 T. 29 N., R. 3 E., secs. 19, 20, 21, and 28 to 32, inclusive;  
 All Mount Diablo base and meridian, California.

With the following committee amendments:

Page 2, line 1, after the word "ownership" insert "found by the Secretaries of Agriculture and the Interior to be."  
 Page 2, strike out lines 19 to 24, inclusive.  
 Page 3, strike out lines 1 to 5, inclusive.  
 Page 3, after line 6, insert "to the Tahoe National Forest, Calif., township 17 north, range 9 east, sections 14, 23, 26, southwest sections 34, and 35."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CONVEYANCE OF MARINE HOSPITAL RESERVATION TO THE CITY OF WILMINGTON, N. C.

The Clerk called the next bill, H. R. 8654, to amend the act entitled "An act authorizing the Secretary of the Treasury to convey to the city of Washington, N. C., Marine Hospital Reservation," being chapter 93, United States Statutes at Large, volume 42, part 1, page 1260, approved February 17, 1923.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That chapter 93, United States Statutes at Large, volume 42, part 1, page 1260, approved February 17, 1923, being an act authorizing the Secretary of the Treasury to convey to the city of Wilmington (N. C.) Marine Hospital Reservation, be, and the same is hereby, amended by striking out the last 28 words thereof and inserting in lieu thereof the following, to wit: "198 feet south of the south line of Church Street."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CONVEYANCE OF PORTION OF MARINE HOSPITAL RESERVATION TO NEW HANOVER COUNTY, N. C.

The Clerk called the next bill, H. R. 9418, to amend an act entitled "An act authorizing the Secretary of the Treasury to convey to the Board of Education of New Hanover County, N. C., portion of marine hospital reservation not needed for marine hospital purposes," approved July 10, 1912 (37 Stat. 191).

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized to amend the quitclaim deed which was executed by the Secretary of the Treasury under date of July 24, 1912, pursuant to the authority contained in an act entitled "An act authorizing the Secretary of the Treasury to convey to the Board of Education of New Hanover County, N. C., a portion of the marine-hospital reservation not needed for marine-hospital purposes," approved July 10, 1912 (37 Stat. 191), so as to provide, in lieu of the limitation that the land is to be "used exclusively for industrial-school purposes," that it may be used for any public purpose or purposes, and to provide that the title to said land revert to the United States of America if at anytime the land or any building erected thereon shall cease to be used for a public purpose.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### LEASING INDIAN LANDS FOR MINING PURPOSES

The Clerk called the next bill, H. R. 7626, to regulate the leasing of certain Indian lands for mining purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice. I do not know that I shall ultimately object to the bill, but for the purpose of having an opportunity to look it over prior to its passage I make the request.

Mr. ROGERS of Oklahoma. I can explain it now.

Mr. MURDOCK of Utah. I do not believe it would be possible to explain the bill satisfactorily at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

#### GOSHUTE AND OTHER INDIANS

The Clerk called the next bill, H. R. 8885, for the benefit of the Goshute and other Indians, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That whenever the privately owned lands, commonly referred to as the Triune ranch, within the following-described area have been purchased and acquired as hereafter authorized, the following-described lands be, and hereby are, set aside as a permanent reservation for the benefit of the Goshute and such other Indians as the Secretary of the Interior may locate thereon:

The east half section 1; east half section 12; northeast quarter section 13, township 22 north, range 69 east; sections 1 to 18, inclusive; east half section 24, east half section 25, east half section 36, township 23 north, range 69 east (unsurveyed); all of township 24 north, range 69 east (unsurveyed); sections 3 to 10, inclusive; north half; north half south half; southwest quarter of southwest quarter section 15; east half section 16; northwest quarter; north half northeast quarter section 17; north half section 18; northeast quarter section 21; west half northwest quarter section 22; fractional township 22 north, range 70 east; all of fractional township 23 north, range 70 east (unsurveyed); all of fractional township 24 north, range 70 east, except lot 5; northeast quarter southwest quarter and north half section 3, Mount Diablo base and meridian, Nevada.

This extension shall not affect any valid rights initiated prior to the approval hereof.

SEC. 2. That for the use and benefit of the Indians on the Goshute Reservation and such other Indians as the Secretary of the Interior may locate thereon, the Secretary of the Interior be, and he is hereby, authorized to purchase with any available funds heretofore or hereafter appropriated pursuant to authority contained in section 5 of the act of June 18, 1934 (48 Stat. L. 984), all privately owned lands, interest in lands, water rights, or improvements upon the public domain within the area described in section 1 hereof and including all chattels located on that part of what is known as the Triune ranch, located in said area. Title to the foregoing property to be acquired under the provisions of this act shall be taken in trust for such Goshute and other Indians as may be designated by the Secretary of the Interior.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.



## COMPLETION, MAINTENANCE, AND OPERATION OF FORT PECK PROJECT, MONTANA

The Clerk called the next bill, S. 2650, to authorize the completion, maintenance, and operation of the Fort Peck project for navigation, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I dislike to object to the consideration of this bill, which I understand has the unanimous support of the Committee on Rivers and Harbors. There are members of that committee on both sides of the aisle in whom I have every confidence, and I therefore wonder whether I am right. It seems to me there are many controversial subjects in the bill. I have always opposed the development of hydroelectric power in connection with irrigation projects. I am told now that there is very little power connected with this project which would be authorized under this bill. However, it seems to me there are some other controversial matters we should give consideration to and that the bill is altogether too important to be passed by unanimous consent.

In the first place, it seems to me we are setting up a little T. V. A. In the next place, we establish a patronage office which is filled by the Secretary of the Interior and carries a salary of \$10,000. In the next place, I notice the Civil Service Commission makes an unfavorable report on the bill, because it provides for the appointment of attorneys, engineers, and other experts without regard to the civil-service laws. These are three matters I believe should be discussed quite fully on the floor. Although I am given to understand there is a necessity for creating this power for the purpose of pumping water to this land, nevertheless, if that is true, why under the bill is it necessary to authorize the condemnation of existing power lines and power companies? This seems to me to be a matter which might rightfully be considered as a part of the program to establish several small T. V. A.'s throughout the United States.

Whether or not we want to establish small T. V. A.'s is a controversial subject. I am not sure we want to establish an office carrying a salary of \$10,000 a year, to be filled by the Secretary of the Interior without the approval of the Senate of the United States, when in the last 6 months we have on two occasions compelled the executive departments to submit to the Senate for approval appointments to offices having a salary of \$7,500; neither am I sure we want to approve this bill in the face of the opposition of the Civil Service Commission, when that subject is so highly controversial as a part of the bill to reorganize the executive departments.

I should like to hear some discussion on these matters, and for that reason I ask unanimous consent that the bill may be passed over without prejudice, in order that it may come up in its regular form on Calendar Wednesday, when I and the many others who have some little doubt about the desirability of settling all these controversial subjects in this one bill may be heard and fully apprised of what we are doing before the bill is passed.

Mr. O'CONNELL of Montana. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Montana.

Mr. O'CONNELL of Montana. I have all the respect in the world for the ability, honesty, and integrity of the gentleman from Michigan, as shown by his work on this committee. I realize the many questions that can be raised in connection with a proposition of this kind. However, I am certain if the gentleman would confer with the Republican members of the House Committee on Rivers and Harbors and could see what actually is the situation in that area, he would raise no objection to the consideration of the bill and would not ask that the bill be passed over without prejudice. The bill should have no opposition from the private power interests in Montana, in view of the fact we have a tremendous shortage of power out there. The bill provides just a tiny amount of power to be used in the very terribly drought-stricken section of Montana, where we have about 150,000

inhabitants who could be rehabilitated on the land, if this power could be used for pumping purposes. This is not new land; it is land that has been under cultivation for a long, long time, but 8 consecutive years of drought have nearly ruined it. The administration of this project has been changed so it is under the Bureau of Reclamation, which will handle the operations out of its Malta office along with the other projects it is handling out there. There are no additional salaries and no additional positions involved; no patronage, as the gentleman suggests.

Mr. WOLCOTT. The gentleman does not mean there are no additional positions involved, because the bill specifically sets up the position of administrator with a salary of \$10,000 a year, and he is to be appointed by the Secretary of the Interior.

Mr. MANSFIELD. If the gentleman will yield, the bill as amended puts this project under the Bureau of Reclamation. This is only a temporary measure, and the matter is to be left for Congress to make final disposition of it hereafter.

Mr. O'CONNELL of Montana. This is under the amendment of the Committee on Rivers and Harbors.

Mr. WOLCOTT. You place in a difficult position all of us who want to do something for the people in this area, but who still want to maintain the integrity of at least the objectors, who have been so consistently concerned about these controversial matters I have discussed. I wish the gentleman from Montana would not insist upon considering the bill at this time. I have every faith and confidence in his judgment. I know how keenly interested he is in the people in his district, who undoubtedly need this help, and need it badly. Nevertheless, the gentleman will admit these highly controversial matters are in the bill and we should not pass them over lightly. I wonder if passing a bill of this nature by unanimous consent would not give the impression we do not study this type of legislation when we pass it.

Mr. DONDERO. Reserving the right to object, Mr. Speaker, when this matter came before the Committee on Rivers and Harbors we heard considerable testimony on the subject. Whether we like it or not, the subject is here. The Fort Peck Dam has been established. It is no secret in this body that I have been unequivocally opposed to Government competition with private business, even in the utilities field. However, the large subject involved in this bill is not power, by any means, but irrigation to help the people on the drought-stricken lands of Montana, in which State I have had some experience in a former day in my life.

Mr. WOLCOTT. I may say to the gentleman from Michigan that ever since I have been in Congress and he has been a member of this committee I have bowed to his judgment, his intellect, and his knowledge of rivers and harbors legislation, as well as I have to that of the gentleman from Texas, the chairman of the committee. I may say it rather hurts me even to suggest the presence of these controversial matters that necessitate taking the bill up in some other course than the present procedure. Ordinarily, I would have enough confidence in this committee, which does such splendid work, to let the bill go through without any argument whatsoever, but because the bill does contain these controversial features, I believe we should give more consideration to it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan that the bill be passed over without prejudice?

There was no objection.

## SIOUX INDIANS

The Clerk called the joint resolution (H. J. Res. 438) restoring the right of appeal to the Supreme Court in certain cases involving claims of the Sioux Indians.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the joint resolution may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## CULTIVATION IN CONNECTION WITH CERTAIN HOMESTEAD ENTRIES

The Clerk called the next bill, S. 1759, to amend an act entitled "An act to eliminate the requirements of cultivation in connection with certain homestead entries," approved August 19, 1935.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act entitled "An act to eliminate the requirements of cultivation in connection with certain homestead entries," approved August 19, 1935, is amended by inserting after the word "settlement" the words "or application made."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## LITTLE ROCK CONFEDERATE CEMETERY

The Clerk called the next bill, S. 975, to amend the act approved February 7, 1913, so as to remove restrictions as to the use of the Little Rock Confederate Cemetery, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 1 of the act of Congress approved February 7, 1913 (37 Stat. 663), be, and the same is hereby, amended to read as follows:

"That the Secretary of War is hereby authorized to accept a conveyance to the United States of the Confederate Cemetery in Little Rock, Ark., which adjoins the national cemetery at that place, and when so accepted the Government shall take care of and properly maintain and preserve the cemetery, its monument or monuments, headstones, and other marks of the graves, its walls, gates, and appurtenances, and preserve and keep a record, as far as reasonably practicable, of the names of those buried therein, with such history of each as can be obtained, and the said conveyance shall be such that it will permit the burial in said cemetery of all soldiers, sailors, or marines and all officers or men of the Coast Guard, dying in the service of the United States, or dying in a destitute condition after having been honorably discharged from the service, or who served, or hereafter shall have served, during any war in which the United States has been, or may hereafter be, engaged, and, with the consent of the Secretary of War, any citizen of the United States who served in the army or navy of any government at war with Germany or Austria during the World War and who died while in such service or after honorable discharge therefrom, as provided in Revised Statutes, 4878, amended by the act of April 15, 1920 (41 Stat. 552; U. S. C., title 24, sec. 281), and the act of June 13, 1935 (Public. No. 132, 74th Cong.), in addition to men who were in the military and naval service of the Confederate States of America: *Provided*, That the Secretary of War shall at all times leave sufficient space in said cemetery for the purpose of future burials of Confederate veterans: *Provided further*, That organized bodies of ex-Confederates or individuals shall have free and unrestricted entry to said cemetery for the purposes of burying worthy ex-Confederates, for decorating the graves, and for all other purposes which they have heretofore enjoyed, all under proper and reasonable regulations and restrictions made by the Secretary of War."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ACQUISITION OF LAND AND BUILDINGS NEAR TENNENT, MONMOUTH COUNTY, N. J.

The Clerk called the next bill, H. R. 6813, to authorize the acquisition of land and buildings for cemeterial purposes in the vicinity of Tennent, Monmouth County, N. J., and for other purposes.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I wonder if the gentleman from New Jersey [Mr. SUTPHIN] would explain the bill and also justify, as I know he can, an appropriation of \$250,000 which it appears is not in accord with the program of the President?

I may say to the gentleman that if he can convince me that the report is incorrect in this particular I shall be pleased to withdraw any objection I may have to the bill.

Mr. SUTPHIN. Mr. Speaker, the purpose of the bill is to establish a national cemetery at Old Tennent, N. J., which was the site of the Battle of Monmouth, which was one of the very decisive battles of the Revolutionary War. The old church was used as a hospital during that battle and is now in a splendid state of preservation. The trustees have \$178,000 set up in three trust funds which, of course, would go with the property. The object is to establish a national shrine there to perpetuate this old Revolutionary landmark.

Mr. McLEAN. Mr. Speaker, will the gentleman yield?

Mr. SUTPHIN. I yield.

Mr. McLEAN. I think it would be interesting for the Members of the House to know that a very short distance from this church and a part of what will be the curtilage of the cemetery is the well from which Molly Pitcher obtained water for the artillerymen at the Battle of Monmouth.

Mr. SUTPHIN. My friend is correct.

Mr. McLEAN. And further, the Government has already spent considerable money for a monument on this site commemorating the Battle of Monmouth.

Mr. SUTPHIN. Yes.

Mr. McLEAN. And there are also a number of Revolutionary soldiers now interred at the cemetery.

Mr. SUTPHIN. Many hundreds of them; yes.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. SUTPHIN. I yield.

Mr. DONDERO. How much money is involved?

Mr. SUTPHIN. The amount provided here is \$250,000, but that does not mean they will necessarily expend that much. This was put in at the suggestion of the War Department and would be adequate, but they did not take into consideration the trust funds of \$178,000 which they now have.

Mr. DONDERO. That might be subtracted from this amount?

Mr. SUTPHIN. Yes.

There being no objection the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to acquire by purchase or otherwise such suitable lands in the vicinity of Tennent, Monmouth County, N. J., including the Old Tennent Church used as a hospital during the Battle of Monmouth in the Revolutionary War, and lands contiguous thereto, and to provide for the maintenance and improvement of this church and the burial grounds containing the remains of soldiers of the Revolutionary War and others, as in his judgment are required for the enlargement of existing national cemetery facilities; and the sum of \$250,000, or so much thereof as may be necessary, is hereby authorized to be appropriated from any funds in the Treasury not otherwise appropriated, which sum shall remain available until expended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## SEVENTY-FIFTH ANNIVERSARY OF THE BATTLE OF GETTYSBURG

The Clerk called the next bill, H. R. 9784, to authorize an appropriation to aid in defraying the expenses of the observance of the seventy-fifth anniversary of the Battle of Gettysburg, to be held at Gettysburg, Pa., from June 29 to July 4, 1938, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amount of money as may be necessary to accomplish the purpose of the joint resolution approved June 24, 1936.

SEC. 2. The money herein authorized to be appropriated shall be expended under the direction of the commission appointed pursuant to the provisions of the joint resolution referred to in section 1 for the following purposes: To defray the necessary expenses of the commission in the performance of its duties, and any and all expenses incident to participation by the War Department and the Regular Army in the observance of the anniversary of the Battle of Gettysburg at Gettysburg, Pa., which participation is hereby authorized, including the expense of transportation or other movement to and from Gettysburg of individuals, troops, tentage, supplies, and equipment, and the cost of ammunition and other material expended or used incident to participation of the Army in the commemoration, including the cost of renovation or repair of material so used.

SEC. 3. The commission referred to in section 2 of this act is authorized to invite, in the name of the United States, surviving veterans, Union and Confederate, of the Civil War to reunite at Gettysburg during the commemoration, and the money herein authorized to be appropriated shall be available for the payment of mileage as hereafter provided to such veterans as attend the commemoration pursuant to such invitation. In lieu of transportation for himself and an attendant there shall be paid to each veteran an amount at the rate of 8 cents per mile from his home to Gettysburg, Pa., and return, distances to be computed via the shortest usually traveled route, as established by official mileage tables published under authority of the Secretary of War, if travel is performed by railroad, and over the shortest established hard-surfaced highway routes, if travel is performed by private transportation or bus line: *Provided*, That payment for the return trip may be made in advance of travel: *And provided further*, That



reimbursement shall be on the basis of 4 cents per mile if veteran is not accompanied by an attendant. The money herein authorized to be appropriated shall be available to pay burial expenses, including preparation of the body, cost of a suitable casket, and transportation to his home or to a national cemetery, of any veteran who may die while in attendance at the commemoration as provided for in this section of this act, provided that the cost of transportation of the body of a deceased veteran to a national cemetery shall not be paid in excess of the amount that would be paid for transportation to the veteran's home.

SEC. 4. The authority provided in section 3 of this act shall not be exercised until it has been established to the satisfaction of the commission that the State of Pennsylvania has provided suitably for the care at Gettysburg of veterans invited by the commission, including shelter, food, and medical and hospital care. The Secretary of War is authorized to lend to the State of Pennsylvania such property, including cots, blankets, and cooking equipment, under the jurisdiction of the War Department as may be available and necessary to provide for the care of veterans as above provided, and the money authorized to be appropriated herein shall be available to pay for any loss of or damage to such property and the cost of transportation and of repair or renovation thereof.

SEC. 5. The Chief of Finance of the Army is hereby designated, empowered, and directed to act as the fiscal agent of the commission in carrying out the provisions of this act, and the money hereby authorized to be appropriated shall be available for the payment of salaries of any additional employees of the Finance Department whose employment may be temporarily necessitated by reason of the additional duties herein imposed.

SEC. 6. The money authorized to be appropriated by the act shall be available for all expenditures necessary to enable the commission to perform its duties, including the employment of clerical and other necessary personnel, professional or otherwise; the purchase of supplies and equipment; the leasing of land and the erection thereon of temporary buildings; the providing of lights, water, sanitation, and other necessary services at Gettysburg to such United States troops as may take part in the commemoration; and all other proper expenditures incident to carrying out the purposes of the act, including the settlement of claims (not exceeding \$500 each) for damage to or loss of private property resulting from the operation of the commission or its agents.

SEC. 7. The Secretary of War is authorized to undertake, at the request of the commission, such of its functions as it may delegate. The money herein authorized to be appropriated shall be available for the payment of any additional expense to the War Department caused by its operations for the commission, including the salaries of temporary employees.

SEC. 8. The decision of the commission as to the status as a veteran of anyone who is invited as such to attend the reunion at Gettysburg shall be final and conclusive.

SEC. 9. Such clerks and other employees as are temporarily employed to assist in carrying out the provisions of this act may be appointed without regard to the civil-service laws and regulations and the Classification Act of 1923, as amended: *Provided*, That for similar services the pay shall not be in excess of that provided by the Classification Act.

SEC. 10. The money herein authorized to be appropriated shall be available for expenditure from and after the date of approval of the act appropriating it and shall remain available until all obligations of the commission and its agencies have been satisfied.

SEC. 11. When the necessity for its use terminates, all property acquired by the commission shall be delivered to such depots or other installations as the Secretary of War shall designate, to be disposed of in accordance with laws and regulations relating to military property. Real estate, which may be leased to further the purposes of the commission, shall be restored as nearly as possible to its original condition when it is no longer required.

SEC. 12. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amount of money, not to exceed \$275,000, as may be necessary to accomplish the purpose of the joint resolution approved June 24, 1936.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### HISTORICAL MEMORIAL ON VANCOUVER BARRACKS MILITARY RESERVATION, WASH.

The Clerk called the next bill, H. R. 8460, to authorize the city of Vancouver, Wash., to construct and maintain a historical memorial on the Vancouver Barracks Military Reservation, Wash.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I wonder if the gentleman who is the sponsor of the bill will clear up in my own mind one thing in connection with the bill which I do not understand. The bill authorizes the construction and maintenance of a historical memorial at the Vancouver Barracks and then we provide that the memorial shall be so closed as to preclude direct access to the military reservation therefrom.

Mr. SMITH of Washington. That is a precautionary provision which the War Department recommended. This bill was drafted in accordance with the wishes of the War Department and that is a proviso that they desired to have incorporated in the bill in order to preclude direct ingress by the public into the military reservation via the historical memorial.

Mr. WOLCOTT. I wondered why that is necessary, and why they objected to direct access to the reservation upon the memorial ground.

Mr. SMITH of Washington. I think in order to insure that there would be no interference with the use of the barracks or the military reservation, and possibly to better patrol and police the same in the nighttime, if necessary.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to issue a permit, under regulations to be prescribed by him, to the city of Vancouver, Wash., to construct and maintain on the Vancouver Barracks Military Reservation, Wash., as a historical memorial, a replica of the Old Hudson's Bay Trading Post, the location and plans to be approved by the Secretary of War, and all work incident to the construction, operation, and maintenance thereof to be without expense to the War Department: *Provided*, That the memorial shall be so enclosed as to preclude direct access to the military reservation therefrom: *Provided further*, That such permission shall be revoked whenever the ground is not used for a historical memorial or whenever it is not kept in good repair and operated under conditions worthy of its historical significance.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### CONSTRUCTION OF PUBLIC BUILDINGS

The Clerk called the bill (H. R. 9683) to amend the act of June 25, 1910, relating to the construction of public buildings, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 35 of the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved June 25, 1910 (36 Stat. 699; U. S. C., 1934 edition, title 40, sec. 265), is hereby amended to read as follows:

"Sec. 35. The Secretary of the Treasury may, in his discretion, upon the request of the head of any other executive department, independent establishment, or other Federal agency, cause the Procurement Division, Treasury Department, to carry out the construction of any building or buildings for governmental purposes which any such executive department, establishment, or agency may be authorized to have constructed, including the preparation of plans, drawings, designs, specifications, and estimates, the acquisition of land necessary for sites, the execution of contracts, and supervision of construction: *Provided*, That funds appropriated to other executive departments, independent establishments, or other Federal agencies for the foregoing purposes shall be available for transfer to and expenditure by the Procurement Division, Treasury Department, in whole or in part, either in reimbursement of the proper appropriations of the Procurement Division, for the cost of such work, or as advances to special accounts for the purpose of providing for the prosecution of said work."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### MEMORIAL TO MARCONI

The Clerk called House Joint Resolution 499, authorizing the erection of a memorial to the late Guglielmo Marconi.

There being no objection, the Clerk read the joint resolution, as follows:

*Resolved, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to grant permission to the Marconi Memorial Association for the erection on public grounds of the United States in the District of Columbia, other than those of the Capitol, the Library of Congress, and the White House, of a memorial of simple and artistic form to the late Guglielmo Marconi, inventor of an apparatus for wireless telegraphy, by the American people: *Provided*, That the site chosen and the design of the memorial shall have the approval of the National Commission of Fine

Arts and that the United States shall be put to no expense in or by the erection of said memorial: *Provided further*, That unless funds, which in the estimation of the Secretary of the Interior are sufficient to insure the completion of the memorial, are certified available, and the erection of this memorial begun within 5 years from and after the passage of this legislation, the authorization hereby granted is revoked.

With the following committee amendments:

Page 1, line 4, strike out "the" and insert "The."

Page 1, line 5, strike out "Association" and insert "Foundation, Inc."

The amendments were agreed to and the joint resolution, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### RECONSTRUCTION AT FORT NIAGARA, N. Y.

The Clerk called the bill (H. R. 9764) to authorize an appropriation for reconstruction at Fort Niagara, N. Y., to replace loss by fire.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$75,000, or so much thereof as may be necessary, for the purpose of reconstructing and repairing at Fort Niagara, N. Y., barracks buildings designated as 50 N and 50 S, destroyed by fire March 4, 1938.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### EXTENSION OF REMARKS

Mr. HAINES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 9784.

The SPEAKER. Is there objection?

There was no objection.

#### CONSENT CALENDAR

##### AUTHORIZING POSTMASTER GENERAL TO WITHHOLD AWARD OF CONTRACT

The Clerk called House Joint Resolution 602, to authorize the Postmaster General to withhold the awarding of contracts for a period of 60 days.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that House joint resolution go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### CONTROL OF CANCER

The Clerk called House Joint Resolution 468, to dedicate the month of April in each year to a voluntary national program for the control of cancer.

There being no objection, the Clerk read the joint resolution, as follows:

*Resolved, etc.*, That the President of the United States is hereby authorized and requested to issue annually a proclamation setting apart the month of April of each year as cancer-control month and to invite annually the Governors of the several States and Territories and possessions of the United States to issue proclamations for like purposes. It is requested that such proclamations invite the medical profession, the press, and all agencies and individuals interested in a national program for the control of the disease of cancer by education and other cooperative means to unite during the month in a public dedication to such a program and in a concerted effort to impress upon the people of the Nation the necessity of such a program.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### SOUND RECORDING OF PROCEEDINGS IN DISTRICT COURTS

The Clerk called the bill (H. R. 9789) to provide for the recording of the proceedings in one of the courtrooms of the District Court of the United States for the District of Columbia by sound-recording equipment; and for the reproduction of the sounds of such proceedings in whole or in part, in the District of Columbia Circuit Court of Appeals and in the Supreme Court of the United States upon the review of any such case.

The SPEAKER pro tempore. Is there objection?

Mr. CELLER. Mr. Speaker, I reserve the right to object. Would this have any effect in the way of the diminution of the work of the Supreme Court reporters or of the State court reporters?

Mr. HOBBS. Mr. Speaker, in reply to the question of the distinguished gentleman from New York [Mr. CELLER] it gives me pleasure to advise him and the other Members of the House that this bill does not contemplate and that it will not have the effect of displacing any court reporter. It has no application whatever to State courts, nor to any Federal court except the District Court of the United States for the District of Columbia, the District of Columbia Circuit Court of Appeals, and the Supreme Court of the United States. In these courts there is to be, if and when this bill becomes a law, a test of mechanical sound-recording equipment and of mechanical reproduction of the sounds of such proceedings as may have been thus recorded.

If you will read the bill and the report, both of which are short, I am sure you will see exactly what the bill means. The thought is to test thoroughly all known methods of direct mechanical recording in the testing laboratories of the Procurement Division of the Treasury—Uncle Sam's general purchasing agency. Then to test the best two or three machines in actual courtroom work alongside of the present court reporters. The bench and bar will then have a direct comparison of every one with the others.

I shall never be satisfied until we have the proceedings in our trial courts recorded by talking pictures, so that upon appeal the appellate court may really have a true picture reproducing for both the eye and the ear exactly what took place. In order to have "something to shoot at" I introduced the talking-picture recording bill a couple of years ago. Now, after splendid cooperation of interested laboratories, I have reluctantly reached the conclusion that for the time being, the picture end of mechanical recording is definitely "out," because of the prohibitive cost. Although I may say that its estimated cost has been cut in half since we began our experiments.

Having reached the conclusion that pictures were too expensive at present, I have come to the advocacy of sound recording alone, and believe wholeheartedly that it will give the appellate courts an infinitely better chance to discover the truth. The printed page can never give a reader the "change of pace," the inflections, the emphases which so often weigh more strongly with the jury than anything else. A judge, charging the jury, can "but" a man into the penitentiary, merely by accenting the "but." This has happened hundreds of times—

Of course, gentlemen of the jury, this defendant, as every other defendant, comes into court with a presumption of innocence indulged by the law in his favor, which attends him until it is removed, if it be removed, by evidence which convinces your minds beyond a reasonable doubt of his guilt. *But* (smiting the bench with clenched fist, ceasing to smile, and increasing the emphasis and assuming righteous solemnity) if you have been so convinced by the evidence in this case then it becomes your solemn, sworn duty to find this defendant guilty and to impose such punishment as you think his crime deserves within the limits prescribed by law.

This is merely one of many instances in which a judge may do the gravest kind of an injustice merely by emphasis. The same thing is true in civil cases. By a smile, a shrug of the shoulders, a gesture with the hands, the lifting of an eyebrow, the judge may just as effectually charge the jury for or against a litigant as by the spoken word—but without possibility of reversal, because the printed page cannot reflect actuality.

For the same reason, mechanical recording will serve as a deterrent on the bulldozing lawyer, or the whisperer.

Another thought which you should have is that mechanical recording will do away with the frequent claim that the reporter erred and misquoted. Then too, it will safeguard against the occasional honest mistakes of the best reporters and the many mistakes of the incompetent ones.

But the saving of time in the administration of justice, while not as important as the accurate reflection of truth,



is another of the main objectives of the eventualities hoped for as a result of this bill. At present 60 to 90 days is allowed for the preparation of a bill of exceptions. Then the remainder of a 6 months' period is the usual time within which an appeal may be perfected, and thereafter several months is consumed, usually, in the preparation and printing of the record. The direct method of sound recording means a method without need for development or other intermediate stages essential to make the record ready for reproduction of the sounds. The magnetic needle immediately writes its message on a steel tape and instantly the sounds are ready to be reproduced. A diamond needle scratches the surface of a film, creating a sound track, and instantly it is ready to re-create the sounds which have been thereby recorded permanently. Another needle scratches on a revolving disk and thereby permanently records sounds immediately reproducible. While the trial is fresh in the minds of court and counsel, the sounds thereof may be reproduced, and those parts agreed upon for transmission to the appellate court may be sent up immediately. The case may then be argued in the appellate court while the issues are still fresh in the minds of counsel. Instead of a year's delay it is conceivable that an appellate court might hear a case within a week after it has been tried in the lower court. If this be even approximated, it will certainly tend to decrease the criticisms of the law's delays.

If this program works out as I hope and believe it will, we may be able to do away with the present necessity for printing the record on appeal. This printing costs all the way from a few dollars up to several thousand. I have recently seen a bill from the clerk of a circuit court of appeals for \$4,200 for the printing of one record. There are not a few cases in which it costs less to pay the judgment than to print the record for appeal.

By passing this bill today the House will be taking a long stride toward the goal we all desire to reach—the better, more expeditious, and less costly administration of justice in our courts. The experiment authorized in and by this bill may be historical. But whether success or failure attends it, I wish to thank the great committee which unanimously reported this bill favorably and the House for the consideration already given it, and in anticipation of its passage.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill by inserting a memorandum in opposition to H. R. 9789 at this point. The SPEAKER pro tempore. Is there objection?

There was no objection.

The matter referred to is as follows:

MEMORANDUM IN OPPOSITION TO H. R. 9789 (HOBBS)  
HISTORICAL

Prior to the introduction of H. R. 9789 by Hon. SAM HOBBS, of Alabama, there were a number of other bills introduced by him attempting to achieve the same result, all of which failed of adoption (H. R. 4848; H. R. 9581; H. R. 9711). At the very outset it is apparent that there is doubt and uncertainty, even in the mind of the introducer of these measures, as to the efficacy or feasibility of any such plan as is contemplated, and as to the manner of its execution. Nor is the present bill (H. R. 9789) free from defect in similar respects.

It was introduced by Congressman HOBBS on March 8, 1938 (CONGRESSIONAL RECORD, p. 3079), and reported out by the Judiciary Committee (Rept. No. 1924) on March 10, 1938 (CONGRESSIONAL RECORD, p. 3225). It is now before the Committee of the Whole House on the state of the Union.

H. R. 9789 IS ENTIRELY IMPRACTICABLE FOR THE PURPOSE SOUGHT TO BE  
ACHIEVED

There is nothing new in the proposal contained in this bill except in its intended application to the recording of trials. It has been extensively used in the motion-picture field where its value as a vehicle of entertainment is recognized. It has been used in the preparation of phonograph records, again chiefly for entertainment purposes. But it must be borne in mind that expert care and great expense is involved before these products are ready for market.

Under the provisions of this bill there will be no typewritten or printed record used by counsel. The only record available for the appellate courts will be the sound track, phonographic record or magnetic tape. For the preparation of briefs, counsel will be compelled to rely upon memory or their own notes taken at the trial, or upon a subsequent hearing by means of a reproducing machine. The brief would be an abstract dissertation on the law of the case

without the supporting means of referring to verbatim quotations of testimony of witnesses or the comments or charge of the court. At some point in the procedure of perfecting the appeal by the attorney, or the rendering of a decision by an appellate court, a typewritten transcript in any event will have to be prepared.

The adoption of the proposed system would entail a tremendous and needless waste of time. It would mean the virtual retrial of a case before each appellate tribunal. The issues of trials consuming several weeks are narrowed down for appeal purposes under present practice, and argued before an appellate court in comparatively little time, and the necessity of listening to nonessential facts is thus eliminated. Justice, instead of being speeded up, would be retarded. Even on the assumption that only portions of the trial would be listened to by an appellate court, "in diminution of the record," it would involve the destruction of the continuity of the original sound record, or, at best, a most costly and cumbersome procedure. Moreover, experience has proven that counsel often cannot agree upon the portions of a record to be reviewed, and that appellate courts find it difficult to pass upon extracts from a record out of their context.

In the taking and preparation of the record today there are many human factors to be considered, sight of which is completely lost in the proposed recordation of proceedings electrically. These human factors cannot be replaced, certainly not by sound-recording equipment. No machine can make a lawyer speak clearly; no machine can force witnesses to articulate plainly, or, in the case of many of foreign extraction, to speak intelligibly; no contraption will prevent counsel, witness, and judge from talking at the same time in the heat of a trial. Although it is true that witnesses now do utter unintelligible sounds, the court reporter's ear, trained to such emergencies, transforms those sounds into words without court and counsel being aware of any difficulty.

Motion-picture sound studios are selected with the utmost care and constructed at heavy expense so that extraneous or side noises will not spoil the film. Courtrooms are not so located or constructed. It has been claimed that machines used to record trials will record every whisper. With such a sensitive device operating, the voices of the judge, counsel, and witnesses will be reproduced simultaneously with the rustling of papers, shuffling of feet, fire-engine sirens, railroad-engine whistles, automobile horns, or trolley gongs, and the voice may be completely submerged.

Many lawyers have the habit of making false starts, failing to complete their sentences, and of committing many language faults. The experienced shorthand reporter knows how to deal with these human shortcomings so that they do not encumber the record. The electrically produced record would be so cluttered with these slips of the tongue as to make the resulting reproduction very difficult of comprehension. Movie actors and radio announcers are trained in diction. A slip of the tongue in the movie, an extraneous noise, and the scene has to be "shot" over again. Will cases have to be tried over again for the same reason?

It is respectfully submitted, it is easier and more convenient to read than to listen, especially when digesting material in chambers or at home, upon which a decision is to be based or close concentration is required.

Inquiry of reliable technical authority has failed to disclose that there is presently any machine on the market which is adapted to record the trial of a case under conditions prevailing in the everyday trial of cases.

H. R. 9789 WILL THROW OUT OF EMPLOYMENT MANY HIGHLY SKILLED  
AND SPECIALIZED PROFESSIONAL WORKERS AND THOSE DEPENDENT  
UPON THEM

Shorthand or court reporting is a highly specialized and skilled vocation and in many States has been granted professional standing. The adoption of H. R. 9789 would increase, without any compensating gain in efficiency or otherwise, the rolls of the unemployed, not alone by the addition thereto of thousands of court reporters now engaged in the reporting of trials but of thousands of others directly and indirectly affected, such as dictaphone operators and typists, office assistants, law printers, employees engaged in paper, carbon, notebook and general stationery manufacturing establishments. In fact, it is difficult to foretell the economic confusion which might result at a time when all of our energies and mental resources are being directed toward a solution of the unemployment problem.

H. R. 9789 WILL UNNECESSARILY INCREASE THE EXPENSE OF GOVERNMENT,  
THE COST OF ADMINISTRATION OF JUSTICE AND THE BURDEN  
OF THE TAXPAYER

Instead of a saving to the Government by introducing this recording apparatus, the Government will be saddled with expense which it does not now bear. In the Federal courts, where it is proposed to initiate this experiment, it does not cost the Government a penny under present practice. The reporters in those courts are not paid a salary. Under the proposed system it will be necessary to engage highly paid electrical or sound recording engineers to operate the recording equipment, whereas the court reporters in Federal courts receive no salary at all. No reporters are employed on salary in appellate tribunals; in fact, they are rarely engaged in such courts except at the request and for the convenience of counsel. For the reproduction of sound records in appellate courts it will be likewise necessary to engage the services of an engineer or operator—a new item of expense never contemplated or found necessary before.

H. R. 9789 provides for the employment of "one competent operator of such equipment for the recording of the proceedings in any case," but is silent as to the reproducing units of the equip-

ment. In actual operation it will require the services of more than one engineer or operator on the recording unit alone—one who necessarily will be obliged to be in attendance in the courtroom, and another, because of the location of the equipment outside of the courtroom, to supervise the actual operation of the recording equipment, the changing of discs, the insertions of magnetized wire or sound film, depending upon the method employed, and as to which, in the bill, there is no specific direction. Each of these systems would have to be constantly and carefully guarded for otherwise the trial would be proceeding while the equipment may not be functioning, a condition which is likely to exist regardless of the care taken.

At the present time court reporters supply their own writing utensils and supplies, simple and cheap in character. Under the proposed plan it would be necessary for the Government to install expensive equipment, maintain it, charge depreciation, look after the replacement of parts, purchase the costly supplies and take account of other items incidental to the operation of machinery. Although the sum of these items will be great, even on the assumption that they may be comparatively slight, yet they will still be more than nothing, as at present.

MANY OTHER OBSTACLES AND DISADVANTAGES MAY BE LISTED TENDING TO INDICATE THE UTTER INEFFICIENCY OF SOUND RECORDING AS APPLIED TO THE REPORTING OF TRIALS

Without spending too much time in a detailed analysis of situations arising in court procedure, most of which are apparent to persons experienced in the conduct of trials, the following is a partial list of conditions with which, it is respectfully submitted, machinery cannot cope, for no machine has been invented, and probably never will be, to supersede the human brain.

1. The indiscriminate use of "plaintiff" for "defendant" and vice versa by counsel.

2. The ready repetition of a question or an answer or of testimony taken on a previous day. Reading such portions of the testimony as requested by the jury in the jury room.

3. The simplifying of long and involved hypothetical questions which have been amended by additions and deletions arrived at after objection and colloquy.

4. The incorrect reference to exhibit numbers, with which the reporter is familiar but as to which no machine can call attention.

5. In case of interruptions in a trial by the judge in consideration of other cases, the reporter keeps each case separate.

6. The recordation of questions and answers in a foreign language when testimony is given through an interpreter.

7. Off the record discussion may find itself on the record together with conversations between counsel and client or assistants.

8. With three, four, or more counsel in a case, the difficulty of distinguishing the speaker merely by sound.

9. "Pull down the window," "Get me some cold water," "Mr. Smith is waiting for you in chambers," "Take off your hat," etc., will be interspersed on the sound record for the enlightenment of the appellate court.

10. An immediate transcript of proceedings for use of counsel during trial will be unavailable. This service is now furnished when desired. Or will counsel have to purchase reproduction equipment?

11. The constant repetition of questions to a witness who is hard of hearing will appear in the sound record with the "What's that?" and "What did you say?" and "I beg your pardon."

12. Operators of equipment would have to be present during deliberations of appellate tribunals. For proper consideration of a case appellate courts would have to have equipment installed in chambers and at home with an operator always available.

13. The shorthand reporter recognizes the necessity of immediate spelling of—

- (a) unusual terms in technical testimony, and
- (b) new and unusual names.

14. The court reporter notes that a witness has failed to answer vocally because he nods. On the machine no record will be made of such failure when unnoticed.

H. R. 9789 should be defeated.

Respectfully submitted.

National Shorthand Reporters Association, Hall Etter, Houston, Tex., president, A. C. Gaw, Elkhart, Ind., secretary; New York State Shorthand Reporters Association, Charles A. G. Jewett, Utica, president, Louis Goldstein, New York City, secretary; Ohio Shorthand Reporters Association, Fred Davey, Toledo, president, John J. Mehler, Cleveland, secretary; Pennsylvania Shorthand Reporters Association, Herman H. Pechin, Philadelphia, president, Robert E. Lenton, Philadelphia, secretary; New Jersey Shorthand Reporters Association, Arthur L. Robinson, Hackensack, president, Charles J. Drescher, Newark, secretary; Kansas Shorthand Reporters Association, Ollie E. Watson, Wellington, secretary; Texas Shorthand Reporters Association, Henry Beck, Austin, president, J. Emory Barton, Denton, secretary; Southwest Shorthand Reporters Association, J. R. McAtee, Dallas, Tex., president, Ollie E. Watson, Wellington, Kans., secretary; Minnesota Shorthand Reporters Association, Ray Lerschen, Minneapolis, president, George Schnepfer, Minneapolis, secretary; Colorado Shorthand Reporters Association, O. E. Abbott, Denver, president, Alice Browning, Denver, secretary.

MARCH 19, 1938.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. CHURCH. Mr. Speaker, I reserve the right to object. Is this the machine that was shown here recently in Washington?

Mr. HOBBS. It is.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Procurement Division of the Treasury Department of the United States shall provide and have installed in one of the courtrooms of the District Court of the United States for the District of Columbia, to be designated by the chief justice of said court, adequate and dependable sound-recording equipment and necessary supplies therefor, and employ one competent operator of such equipment, for the recording of the proceedings in any case tried in such courtroom by any one or more of: The magnetic method on steel tape, or the direct acetate-disk method, or the direct film method, or any other direct method of recording; and, also, in such space as may be designated by the Chief Justice of the District of Columbia Circuit Court of Appeals, all necessary equipment for the reproduction in that court of the sounds so recorded; and also, in such space as may be designated by the Chief Justice of the Supreme Court of the United States, all necessary equipment for such reproductions in that court: *Provided*, That if more than one kind or type of sound-recording or sound-reproducing equipment be provided and installed hereunder, such additional kinds or types shall be provided, installed, and operated during such testing period as may be agreed, without expense to the Government, except that the said Procurement Division shall buy and pay for the supplies necessary for the testing period.

Sec. 2. In the courtroom so equipped the proceedings in each trial shall be recorded by means of such equipment, until the said chief justice shall order otherwise.

Sec. 3. Upon the review of any case wherein any part of the proceedings shall have been recorded by sound-recording equipment, the District of Columbia Circuit Court of Appeals and the Supreme Court of the United States, in reviewing such case, shall have reproduced for their hearing, respectively, the sounds of the proceedings of the district court so recorded, or so much thereof as may be agreed upon by opposing counsel, in diminution of the record, as fairly presenting the points at issue on appeal, or, in the absence of such agreement, then so much thereof as the trial judge may designate.

Sec. 4. There is hereby authorized to be appropriated such sums of money as may be necessary to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### SETTLEMENT OF ACCOUNTS OF DECEASED OFFICERS

The Clerk called the bill (H. R. 9526) to amend the act of May 27, 1908, authorizing settlement of accounts of deceased officers and enlisted men of the Navy and Marine Corps.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act of May 27, 1908 (35 Stat. 373; U. S. C., 1934 edition, title 34, sec. 941), is hereby amended by inserting in line 34, page 373, Thirty-fifth Statutes at Large, after the words "Marine Corps" the words "Coast Guard, and of deceased commissioned officers of the Public Health Service."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### TITLE OF CERTAIN LANDS IN KENT COUNTY, DEL.

The Clerk called the bill (H. R. 8715) to authorize the Secretary of Commerce of the United States to grant and convey to the State of Delaware fee title to certain lands of the United States in Kent County, Del., for highway purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of Commerce is hereby authorized and directed to grant and convey for State highway purposes to the State of Delaware the fee title to the following strip of land, being a portion of the Mahon (Delaware) River Light Station Reservation, certain property of the United States in Kent County, State of Delaware:

An irregular piece of land, as hereinafter indicated, now a portion of the Mahon River Light Station Reservation, Del., beginning at a point on the Mahon River Lighthouse Reservation line



which bears 270° 117 feet from granite monument C-2; thence 16° for a distance of 400 feet; thence 30° 15' for a distance of 450 feet to monument C-3; thence 90° for a distance of 15 feet; thence 197° 30' for a distance of 808 feet; thence 270° for a distance of 117 feet. Granite monuments are shown on map of Mahon River Light Station, Del., 1907, drawing No. 2975. All bearings are from the observed true meridian.

With the following committee amendment:

Page 2, after line 16, insert the following:

"Sec. 2. Such conveyance shall contain the express condition that if the State of Delaware shall at any time cease to use the property for highway purposes or shall alienate or attempt to alienate such property title thereto shall revert to the United States."

The committee amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### MARINE BAND

The Clerk called the next bill, H. R. 8039, to authorize the attendance of the Marine Band at the observance of the seventy-fifth anniversary of the Battle of Gettysburg, to be held at Gettysburg, Adams County, Pa., on July 1, 2, and 3, 1938.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the observance of the seventy-fifth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on July 1, 2, and 3, 1938.

Sec. 2. For the purpose of defraying the expenses of such band in attending and giving concerts upon this occasion there is authorized to be appropriated the sum of \$2,500, or so much thereof as may be necessary, to carry out the provisions of this act: *Provided*, That, in addition to transportation, the leaders and members of the Marine Band be allowed not to exceed \$5 per day each for actual living expenses while on this duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### REGULAR ARMY RESERVE

The Clerk called the next bill, H. R. 9359, to amend the National Defense Act of June 3, 1916, as amended, by reestablishing the Regular Army Reserve, and for other purposes.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

Mr. MAY. Mr. Speaker, reserving the right to object, I imagine the purpose of the gentleman from Mississippi is to gain an opportunity to make a more thorough study of the matter?

Mr. COLLINS. The gentleman is correct.

Mr. MAY. If the gentleman will permit me to make a brief statement, I think I can satisfy him about it.

Mr. Speaker, the only purpose of the legislation is to enable young men who have heretofore served in the Army for either a 3-year term or a 7-year term and been honorably discharged to be returned to the service at any time they desire to reenlist. It is to build up a reserve to the United States Army without actually including it in the Army, yet making it available for service.

Mr. COLLINS. I know the purpose, but we have little equipment in our Army. We have no automatic rifles. This bill authorizes the expenditure of about \$1,500,000 a year, which ought, in my opinion, to be used for equipping what men we have. We have no automatic rifles in the National Guard of the United States. I say to the gentleman from Kentucky that I do not want to model our Army after that of China, an army of men without equipment. Let us equip the men we have before adding other men to the size of the establishment.

Mr. MAY. The gentleman is aware of the fact, I imagine, that legislation is pending before the Committee on Military Affairs to provide the necessary devices and equipment, but it takes a period of about 4 years in which to build up these reserves.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

#### COMMISSIONED STRENGTH OF THE REGULAR ARMY

The Clerk called the next bill, H. R. 9605, to provide for a commissioned strength of 14,659 for the Regular Army.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

#### LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION

The Clerk called the next bill, H. R. 5690, to amend the Longshoremen's and Harbor Workers' Compensation Act.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That subdivision (14) of section 2 of the Longshoremen's and Harbor Workers' Compensation Act be, and it is hereby, amended to read as follows:

"(14) 'Child' shall include a posthumous child, a child legally adopted prior to the injury of the employee, a child in relation to whom the deceased employee stood in loco parentis at least 1 year prior to the time of injury, and a stepchild or acknowledged illegitimate child dependent upon the deceased, but does not include married children unless wholly dependent on him. 'Grandchild' means a child as above defined of a child as above defined. 'Brother' and 'sister' include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but does not include married brothers nor married sisters unless wholly dependent on the employee. 'Child', 'grandchild', 'brother', and 'sister' include only persons who are under 18 years of age, and also persons who, though 18 years of age or over, are wholly dependent upon the deceased employee and incapable of self-support by reason of mental or physical disability."

Sec. 2. That subdivision (a) of section 7 of said act, as amended be, and it is hereby, amended to read as follows:

"(a) The employer shall furnish such medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus for such period as the nature of the injury or the process of recovery may require. If the employer fails to provide the same, after request by the injured employee, such injured employee may do so at the expense of the employer. The employee shall not be entitled to recover any amount expended by him for such treatment or services unless he shall have requested the employer to furnish the same and the employer shall have refused or neglected to do so, or unless the nature of the injury required such treatment and services and the employer or his superintendent or foreman having knowledge of such injury shall have neglected to provide the same; nor shall any claim for medical or surgical treatment be valid and enforceable, as against such employer, unless within 20 days following the first treatment the physician giving such treatment furnish to the employer and the deputy commissioner a report of such injury and treatment, on a form prescribed by the Commission. The deputy commissioner may, however, excuse the failure to furnish such report within 20 days when he finds it to be in the interest of justice to do so, and he may, upon application by a party in interest, make an award for the reasonable value of such medical or surgical treatment so obtained by the employee. If at any time during such period the employee unreasonably refuses to submit to medical or surgical treatment, the deputy commissioner may, by order, suspend the payment of further compensation during such time as such refusal continues, and no compensation shall be paid at any time during the period of such suspension, unless the circumstances justified the refusal."

Sec. 3. That section 7 of said act, as amended, be, and it is hereby, further amended by adding thereto the following new subdivision:

"(d) The liability of an employer for medical treatment as herein provided shall not be affected by the fact that his employee was injured through the fault or negligence of a third party, not in the same employ, unless and until notice of election to sue has been given as required by section 33 (a) or suit has been brought against such third party without the giving of such notice. The employer shall, however, have a cause of action against such third party to recover any amounts paid by him for such medical treatment in like manner as provided in section 33 (b) of this act."

Sec. 4. That paragraph (22) of subdivision (c) of section 8 of said act, as amended, be, and it is hereby, amended to read as follows:

"(22) In any case in which there shall be a loss of, or loss of use of, more than one member or parts of more than one member set forth in paragraphs (1) to (19) of this subdivision, not amounting to permanent total disability, the award of compensation shall be for the loss of, or loss of use of, each such member or part thereof, which awards shall run consecutively, except that where the injury affects only two or more digits of the same hand or foot, paragraph (17) of this subdivision shall apply."

Sec. 5. That section 8 of said act, as amended, be, and it is hereby, further amended by adding thereto the following new subdivisions:

"(h) The wage-earning capacity of an injured employee in cases of partial disability under subdivision (c) (21) of this section or under subdivision (e) of this section shall be determined by his actual earnings if such actual earnings fairly and reasonably represent his wage-earning capacity: *Provided, however,* That if the employee has no actual earnings or his actual earnings do not fairly and reasonably represent his wage-earning capacity, the deputy commissioner may, in the interest of justice, fix such wage-earning capacity as shall be reasonable, having due regard to the nature of his injury, the degree of physical impairment, and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition, including the effect of disability as it may naturally extend into the future.

"(i) In cases under subdivision (c) (21) and subdivision (e) of this section, whenever the deputy commissioner determines that it is for the best interests of an injured employee entitled to compensation, he may, with the approval of the Commission, approve agreed settlements of the interested parties, discharging the liability of the employer for such compensation, notwithstanding the provisions of section 15 (b) and section 16 of this act: *Provided,* That the sum so agreed upon shall be payable in installments as provided in section 14 (b), which installments shall be subject to commutation under section 14 (j): *And provided further,* That if the employee should die from causes other than the injury after the Commission has approved an agreed settlement as provided for herein, the sum so approved shall be payable, in the manner prescribed in this subdivision, to and for the benefit of the persons enumerated in subdivision (d) of this section."

SEC. 6. That subdivisions (b), (c), and (d) of section 9 of this act be, and they are hereby, amended to read as follows:

"(b) If there be a surviving wife or dependent husband and no child of the deceased, to such wife or dependent husband 35 percent of the average wages of the deceased during widowhood or dependent widowhood, with 2 years' compensation in one sum upon remarriage; and if there be a surviving child or children of the deceased, the additional amount of 10 percent of such wages for each such child; in case of the death or remarriage of such surviving wife or dependent husband, any surviving child of the deceased employee shall have his compensation increased to 15 percent of such wages: *Provided,* That the total amount payable shall in no case exceed 66⅔ percent of such wages. The deputy commissioner having jurisdiction over the claim may, in his discretion, require the appointment of a guardian for the purpose of receiving the compensation of a minor child. In the absence of such a requirement the appointment of a guardian for such purposes shall not be necessary.

"(c) If there be a surviving child or children of the deceased, but no surviving wife or dependent husband, then for the support of each such child 15 percent of the wages of the deceased: *Provided,* That the aggregate shall in no case exceed 66⅔ percent of such wages.

"(d) If there be no surviving wife or dependent husband or child or if the amount payable to a surviving wife or dependent husband and to children shall be less in the aggregate than 66⅔ percent of the average wages of the deceased, then for the support of grandchildren or brothers and sisters, if dependent upon the deceased at the time of the injury, 15 percent of such wages for the support of each such person and for the support of each parent or grandparent of the deceased if dependent upon him at the time of the injury, 25 percent of such wages during such dependency. But in no case shall the aggregate amount payable under this subdivision exceed the difference between 66⅔ percent of such wages and the amount payable as hereinbefore provided to surviving wife or dependent husband and for the support of surviving child or children."

SEC. 7. That subdivision (f) of section 14 of said act be, and it is hereby, amended to read as follows:

"(f) If any compensation payable under the terms of an award is not paid within 10 days after it becomes due there shall be added to such unpaid compensation an amount equal to 20 percent thereof, which shall be paid at the same time as, but in addition to, such compensation, unless review of the compensation order making such award is had as provided in section 21 and an interlocutory injunction staying payments is allowed by the court as provided therein."

SEC. 8. That section 17 of said act be, and it is hereby, amended to read as follows:

"Sec. 17. Any person entitled to compensation under the provisions of this act shall have a lien against the assets of the carrier or employer for such compensation without limit of amount, and shall, upon insolvency, bankruptcy, or reorganization in bankruptcy proceedings of the carrier or employer, or both, be entitled to preference and priority in the distribution of the assets of such carrier or employer, or both."

SEC. 9. That subdivision (g) of section 19 of said act be, and it is hereby, amended to read as follows:

"(g) At any time after a claim has been filed with him, the deputy commissioner may, with the approval of the Commission, transfer such case to any other deputy commissioner for the purpose of making investigation, taking testimony, making physical examinations or taking such other necessary action therein as may be directed."

SEC. 10. That section 22 of said act, as amended, be, and it is hereby, amended to read as follows:

"Sec. 22. Upon his own initiative, or upon the application of any party in interest, on the ground of a change in conditions or because of a mistake in a determination of fact by the deputy commissioner, the deputy commissioner may, at any time prior to 1 year after the date of the last payment of compensation, whether or not a compensation order has been issued, or at any time prior to 1 year after the rejection of a claim, review a compensation case in accordance with the procedure prescribed in respect of claims in section 19, and in accordance with such section issue a new compensation order which may terminate, continue, reinstate, increase, or decrease such compensation, or award compensation. Such new order shall not affect any compensation previously paid, except that an award increasing the compensation rate may be made effective from the date of the injury, and if any part of the compensation due or to become due is unpaid, an award decreasing the compensation rate may be made effective from the date of the injury, and any payment made prior thereto in excess of such decreased rate shall be deducted from any unpaid compensation, in such manner and by such method as may be determined by the deputy commissioner with the approval of the Commission."

SEC. 11. That section 30 of said act be, and it is hereby, amended by adding thereto the following new subdivision:

"(f) Where the employer or the carrier has been given notice, or the employer (or his agent in charge of the business in the place where the injury occurred) or the carrier has knowledge, of any injury or death of an employee and fails, neglects, or refuses to file report thereof as required by the provisions of subdivision (a) of this section, the limitations in subdivision (a) of section 13 of this act shall not begin to run against the claim of the injured employee or his dependents entitled to compensation, or in favor of either the employer or the carrier, until such report shall have been furnished as required by the provisions of subdivision (a) of this section."

SEC. 12. That subdivision (b) of section 33 of said act be, and it is hereby, amended to read as follows:

"(b) Acceptance of such compensation under an award in a compensation order filed by the deputy commissioner shall operate as an assignment to the employer of all right of the person entitled to compensation to recover damages against such third person."

SEC. 13. That section 38 of said act be, and it is hereby, amended to read as follows:

"Sec. 38. (a) Any employer required to secure the payment of compensation under this act who fails to secure such compensation shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment; and in any case where such employer is a corporation, the president, secretary, and treasurer thereof shall be also severally liable to imprisonment as herein provided for the failure of such corporation to secure the payment of compensation; and such president, secretary, and treasurer shall be severally personally liable, jointly with such corporation, for any compensation or other benefit which may accrue under the said act in respect to any injury which may occur to any employee of such corporation while it shall so fail to secure the payment of compensation as required by section 32 of this act.

"(b) Any employer who knowingly transfers, sells, encumbers, assigns, or in any manner disposes of, conceals, secretes, or destroys any property belonging to such employer, after one of his employees has been injured within the purview of this act, and with intent to avoid the payment of compensation under this act to such employee or his dependents, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment; and in any case where such employer is a corporation, the president, secretary, and treasurer thereof shall be also severally liable to such penalty of imprisonment as well as jointly liable with such corporation for such fine.

"(c) This section shall not affect any other liability of the employer under this act."

With the following committee amendments:

Page 1, line 9, after the word "parentis" insert "for."  
Page 5, line 8, after the word "impairment" insert a comma and the words "his usual employment" and another comma.  
Page 11, line 7, after the word "to" insert "such fine or."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CANADIAN PASSENGER VESSELS, LAKE ONTARIO AND ST. LAWRENCE RIVER

The Clerk called the joint resolution (H. J. Res. 463) to permit the transportation of passengers by Canadian passenger vessels between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., on Lake Ontario and the St. Lawrence River.



There being no objection, the Clerk read the joint resolution, as follows:

*Resolved, etc.,* That, until such time as passenger service shall be established by vessels of the United States between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., the Secretary of Commerce is authorized in his discretion to issue annually permits to Canadian passenger vessels to transport passengers between these ports; such Canadian vessels holding such permits not to be subject to the provisions of section 8 of the act of June 19, 1886, as amended by section 2 of the act of February 17, 1898 (46 U. S. C., sec. 289).

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### UNITED STATES NAVAL ACADEMY

The Clerk called the next bill, S. 2963, authorizing the Superintendent of the United States Naval Academy, Annapolis, Md., to accept gifts and bequests of money for the purpose of erecting a building on land now owned by the United States Government at the Naval Academy, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Superintendent of the United States Naval Academy is hereby authorized to accept gifts and bequests of money from the United States Naval Institute, the Navy Athletic Association, and others, and to use such money to construct a building for use as a United States Naval Academy Museum on land now owned by the United States at the United States Naval Academy, which construction is hereby authorized but shall involve no cost to the Government of the United States. The selection of the site and the design and general structure of the building shall be subject to the approval of the Secretary of the Navy.

SEC. 2. The Secretary of the Navy is hereby authorized to accept, on behalf of the United States, the building authorized to be constructed by this act and to use and maintain such building as a United States Naval Academy Museum and for the administrative offices of the United States Naval Institute and the Navy Athletic Association.

SEC. 3. The Secretary of the Navy is hereby authorized to accept, receive, hold, administer, and expend gifts and bequests of personal property, and loans of personal property other than money, from individuals or others for the benefit of the aforesaid United States Naval Academy Museum, its collection, or its services. Gifts or bequests of money shall be deposited in the Treasury of the United States as trust funds under the title "United States Naval Academy Museum Fund," which funds will be subject to disbursement by the Secretary of the Navy for the purposes herein specified.

SEC. 4. Gifts or bequests for the benefit of the United States Naval Academy Museum, Annapolis, Md., its collection, or its services, shall be exempt from all Federal taxes.

SEC. 5. The Secretary of the Treasury is authorized, upon request of the Secretary of the Navy, to invest, reinvest, or retain investments of the money or securities composing the United States Naval Academy Museum fund, or any part thereof, deposited in the Treasury pursuant to section 3 of this act, in securities of the United States Government or in securities guaranteed as to principal and interest by the United States Government. The interest and profits accruing from such securities may be deposited to the credit of the United States Naval Academy Museum, and will be available to disbursements as provided in section 3 of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AMENDMENT OF PUBLIC BUILDINGS ACT OF MAY 25, 1926

The Clerk called the next bill, S. 2339, to amend the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926 (44 Stat. 630), as amended.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That to enable the Secretary of the Treasury to acquire adequate sites for public buildings to be located within the areas hereinafter described, including suitable grounds, parking, and approaches necessary to a proper grouping of such buildings, the areas defined in the act of May 25, 1926 (44 Stat. 630), as amended, within which sites or additions to sites for public buildings in the District of Columbia may be acquired, are hereby further extended, and the Secretary of the Treasury is authorized, empowered, and directed to acquire, pursuant to the provisions of said act, as amended, for the use of the United States, by purchase, condemnation, or otherwise, in addition to the areas already authorized, any land and buildings, including properties belonging to the District of Columbia, which he may determine should be acquired, within the area west of Nineteenth Street NW., bounded by New York Avenue NW., E Street NW., and the Potomac River; also squares 122, 104, 81, 58, 59, 44, and 33; and there is hereby

authorized to be appropriated from time to time, in addition to the amounts heretofore authorized to carry out the purposes of the act of May 25, 1926, as amended, such amounts as may be necessary to carry out the provisions of this act: *Provided*, That no street or alley shall be closed and vacated within the areas herein described unless the closing and vacating of such street or alley is mutually agreed to by the Secretary of the Treasury, the Commissioners of the District of Columbia, and the National Capital Park and Planning Commission.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### TEMPORARY OPERATION BY UNITED STATES OF CERTAIN STEAMSHIPS

The Clerk called the next order of business, House Joint Resolution 613, to provide for the temporary operation by the United States of certain steamships, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this joint resolution may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### ALASKA FISHERIES

The Clerk called the next bill, H. R. 8982, to amend Public Law No. 282, Seventy-fifth Congress, relative to the fisheries of Alaska.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That Public Law No. 282, Seventy-fifth Congress, entitled "An act making further provision for the fisheries of Alaska," approved August 14, 1937 (50 Stat. 639), is amended to read as follows: "That section 1 of the act approved June 6, 1924, entitled 'An act for the protection of the fisheries of Alaska, and for other purposes' (43 Stat. 464), as amended, is further amended by inserting in said section at the end of the first proviso thereof another proviso to read as follows: '*Provided further*, That in the area embracing Bristol Bay and the arms and tributaries thereof, no person shall at any time fish for or take salmon with a stake net or set net, for commercial purposes, unless such person shall be a citizen of the United States and shall have theretofore continuously resided for the period of at least 2 years within said area; but for the salmon fishing season of 1938, residence within said area continuously after June 1, 1937, shall be deemed sufficient compliance with the residence requirements of this proviso:'"

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ISSUANCE OF CERTAIN SEAMEN'S CERTIFICATES

The Clerk called the next bill, H. R. 9882, to permit the issuance of certain certificates under the shipping laws by inspectors of hulls, inspectors of boilers, and designated assistant inspectors.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of section 13 of the act of March 4, 1915, as amended (U. S. C., 1934 ed., Supp. III, title 46, sec. 672), the act of June 23, 1936 (U. S. C., 1934 ed., Supp. III, title 46, sec. 391 (a)), and section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. III, title 46, sec. 643), any inspector of hulls, any inspector of boilers, and any assistant inspector designated for that purpose by a board of local inspectors may issue certificates of service, certificates of efficiency, tankermen's certificates, continuous-discharge books, and certificates of identification.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### INCLUSION OF CERTAIN LANDS IN THE KANIKSU NATIONAL FOREST, WASH.

The Clerk called the next bill, H. R. 8203, for the inclusion of certain lands in the Kaniksu National Forest in the State of Washington, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the provisions of the act of March 20, 1922 (U. S. C., title 16, sec. 485), be, and the same are hereby, extended and made applicable to the following-described lands, and such of said lands as are now owned by the United States are hereby given, subject to all valid existing claims and entries

under the various land laws of the United States, a national-forest status and shall hereafter be administered as parts of the adjacent Kaniksu National Forest and subject to all laws and regulations relating thereto:

T. 31 N., R. 46 E.: Sec. 1 and that part of sec. 12 north of the Clark Fork River.

T. 31 N., R. 45 E.: That portion of secs. 1 and 12 north of the Clark Fork River.

T. 32 N., R. 46 E.: Sec. 31.

T. 32 N., R. 45 E.: Secs. 5, 6, 7, 8, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, that part of 30, 32, 33, 34, 35, north of the Clark Fork River, and sec. 36.

T. 32 N., R. 44 E.: All that part north and east of the Clark Fork River.

T. 33 N., R. 44 E.: Secs. 1, 2, 3, 4, 5, that part of 6 and 7 east of the Clark Fork River, secs. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, that part of 18 and 19 east of the Clark Fork River, secs. 20, 21, 22, 23, 25, 26, 27, 28, 29, that part of 30, 31, 32 east of the Clark Fork River, secs. 33, 34, 35, and 36.

T. 34 N., R. 44 E.: Sec. 4, that part of secs. 5, 6, and 7 east of the Clark Fork River, secs. 8, 9, 16, 17, that part of 18 and 19 east of the Clark Fork River, secs. 20, 21, 28, 29, that part of 30 and 31 east of the Clark Fork River, secs. 32 and 33.

T. 35 N., R. 44 E.: Secs. 4, 5, 6, that part of 7 east of the Clark Fork River, secs. 8, 9, 15, 16, 17, that part of 18, 19, and 20 east of the Clark Fork River, secs. 21, 22, 25, 26, 27, 28, that part of 29 and 32 east of the Clark Fork River, secs. 33, 34, 35, and 36.

T. 36 N., R. 43 E.: All east of the Clark Fork River.

T. 37 N., R. 43 E.: That part of secs. 5, 8, 16, 17, 20, 21, 28, and 33 east of the Clark Fork River.

T. 38 N., R. 43 E.: That part of the W $\frac{1}{2}$  secs. 4, 5, 7, 8, W $\frac{1}{2}$  of 17, 18, W $\frac{1}{2}$  20, 29, and 32 east of the Clark Fork River.

#### With the following committee amendment:

Page 2, strike out lines 1 to 25, and page 3, strike out lines 1 to 10, inclusive, and insert the following:

#### "WILLAMETTE MERIDIAN

"T. 31 N., R. 46 E.: Sec. 6 and that part of sec. 7 north of the Clark Fork River.

"T. 31 N., R. 45 E.: That portion of secs. 1 and 12 north of the Clark Fork River.

"T. 32 N., R. 46 E.: Sec. 31.

"T. 32 N., R. 45 E.: Secs. 5, 6, 7, 8, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, that part of 30, 32, 33, 34, 35, north of the Clark Fork River, and sec. 36.

"T. 32 N., R. 44 E.: All that part north and east of the Clark Fork River.

"T. 33 N., R. 44 E.: Secs. 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$  sec. 5, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 8, secs. 9, 10, 11, 12, 13, 14, 15, 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 17, E $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 20, secs. 21, 22, 23, 25, 26, 27, 28, E $\frac{1}{2}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$  sec. 33, secs. 34, 35, and 36.

"T. 34 N., R. 44 E.: Sec. 4, that part of secs. 5, 6, and 7 east of the Clark Fork River, secs. 8, 9, 16, 17 that part of 18 and 19 east of the Clark Fork River, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$  sec. 20, secs. 21 and 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 29, E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 32, and sec. 33.

"T. 35 N., R. 43 E.: Sec. 1, that part of secs. 2, 11, and 12 lying north and east of the Clark Fork River.

"T. 35 N., R. 44 E.: Secs. 4, 5, 6, that part of 7 east of the Clark Fork River, secs. 8, 9, 15, 16, and 17, that part of 18, 19, and 20 east of the Clark Fork River, secs. 21, 22, 25, 26, 27, 28, that part of 29 and 32 east of the Clark Fork River, sections 33, 34, 35, and 36.

"T. 36 N., R. 43 E.: All east of the Clark Fork River.

"T. 37 N., R. 43 E.: That part of secs. 5, 8, 16, 17, 20, 21, 28, 29, and 33 east of the Clark Fork River.

"T. 38 N., R. 43 E.: Those parts of the W $\frac{1}{2}$  sec. 4, secs. 5 and 8, W $\frac{1}{2}$  sec. 17, secs. 18 and 19, W $\frac{1}{2}$  sec. 20, secs. 29 and 32 lying east of the Clark Fork River.

"T. 39 N., R. 43 E.: That part of sec. 21 lying east of the Clark Fork River, W $\frac{1}{2}$  sec. 22, NW $\frac{1}{4}$  sec. 27, that part of sec. 28 and NW $\frac{1}{4}$  sec. 33 lying east of the Clark Fork River."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the bills on the Consent Calendar.

#### AMENDMENT OF SECTION 42, TITLE 7, OF THE CANAL ZONE CODE

Mr. CREAL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 1986, to amend section 42 of the Canal Zone Code.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That paragraph a of section 42 of title 7 of the Canal Zone Code (June 19, 1934) is amended to read as follows:

"a. Be appointed by the President, by and with the advice and consent of the Senate, the judge for a term of 10 years and the district attorney and the marshal for terms of 4 years each;"

Sec. 2. That title 7, section 29; United States Code, title 48, section 101, Alaska, be amended so that the term of the Federal district judge in Alaska will be 10 years; that section 863, Puerto Rico, be amended so that the term of the Federal district judge shall be 10 years; that section 1405, Virgin Islands, be so amended that the term of the Federal district judge shall be 10 years; that section 643, Hawaii, be so amended that the term of the Federal district judge shall be 10 years.

#### With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That section 42 of title 7 of the Canal Zone Code be, and it is hereby, amended to read as follows:

"The district judge, district attorney, and marshal shall—

"a. be appointed by the President, by and with the advice and consent of the Senate, the judge for a term of 8 years and the district attorney and marshal for terms of 4 years each;

"b. continue to discharge the duties of their respective offices, unless sooner removed by the President, until their successors are appointed and qualify in their stead;

"c. be allowed 60 days' leave of absence each year, with pay, under such regulations as the President may from time to time prescribe; and

"d. reside within the Canal Zone during their terms of office."

"Sec. 2. That section 41 of the act entitled 'An act to provide a civil government for Puerto Rico, and for other purposes,' approved March 2, 1917, as amended (U. S. C., 1934 edition, title 48, sec. 863), is amended to read as follows:

"Puerto Rico shall constitute a judicial district to be called 'the district of Puerto Rico.' The President, by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of 8 years and until his successor is appointed and qualified and whose salary shall be \$10,000 per annum. There shall be appointed in like manner a district attorney and a marshal for said district, each for a term of 4 years unless sooner removed by the President. The district court for said district shall be called 'the District Court of the United States for Puerto Rico,' and shall have power to appoint all necessary officials and assistants, including the clerk, interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. Such district court shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition, said district court shall have jurisdiction for the naturalization of aliens and Puerto Ricans, and for this purpose residence in Puerto Rico shall be counted in the same manner as residence elsewhere in the United States. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign state or states, or citizens of a State, Territory, or District of the United States not domiciled in Puerto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of \$3,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid. The salaries of the judge and officials of the District Court of the United States for Puerto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said District Court of the United States for Puerto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Puerto Rico to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to sign all necessary papers and records as the acting judge of said court without extra compensation."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

The title was amended so as to read: "An act to amend section 42 of title 7 of the Canal Zone Code and section 41 of the act entitled 'An act to provide a civil government for Porto Rico, and for other purposes,' approved March 2, 1917, as amended (U. S. C., 1934 edition, title 48, sec. 893)."

#### EXTENSION OF TIME FOR COMPLETING CONSTRUCTION OF A BRIDGE ACROSS THE ST. CLAIR RIVER AT OR NEAR PORT HURON, MICH.

Mr. WOLCOTT. Mr. Speaker, I have not spoken to the Speaker, and I will not make this request if there is objection. However, there is an emergency I have been notified concerning a bill which I have pending on the calendar. I refer



to H. R. 9257, to extend the time for completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich. This bill must be passed immediately in order to protect the sale of bonds with respect to the construction of a bridge.

The SPEAKER. Has the gentleman conferred with the majority on this bill?

Mr. WOLCOTT. I have not as yet, no. I will not press the request. This is an extension bill.

The SPEAKER. The Chair would prefer to have the gentleman take that course. It may be possible to recognize the gentleman later in the afternoon and the Chair will be glad to do so, if agreeable.

**LIBERALIZING PROVISIONS OF EXISTING LAW GOVERNING DEATH COMPENSATION BENEFITS FOR WIDOWS AND CHILDREN OF WORLD WAR VETERANS**

Mr. GRISWOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9725) to liberalize the provisions of existing laws governing death-compensation benefits for widows and children of World War veterans, and for other purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc., That notwithstanding the provisions of Public Law No. 484, Seventy-third Congress, June 28, 1934 (U. S. C., title 38, secs. 503-507), as amended by section 1, Public Law No. 844, Seventy-fourth Congress, June 29, 1936 (U. S. C., title 38, sec. 508), and section 1, Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 509), in no event shall the widow, child, or children otherwise entitled to compensation under the provisions of that act be denied such compensation if the veteran's death resulted from a disease or disability not service connected, and at the time of the veteran's death he was receiving or entitled to receive compensation, pension, or retirement pay for 10-percent disability or more presumptively or directly incurred in or aggravated by service in the World War: Provided, That except as provided in section 6 of Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 472d), compensation authorized by this section shall not be payable effective prior to the receipt of application therefor in the Veterans' Administration in such form as the Administrator of Veterans' Affairs may prescribe, but in no event shall compensation herein authorized be effective prior to the date of enactment of this act.*

*Sec. 2. Section 4 of Public Law No. 484, Seventy-third Congress, June 28, 1934, as amended by section 2 of Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 506), is hereby amended to read as follows:*

*"Sec. 4. For the purpose of awarding compensation under the provisions of this act, as amended, service connection of disability and degree thereof at date of death may be determined in any case where claim has been or is filed by the widow, child, or children of a deceased World War veteran, except that proof of 10-percent disability or more at date of death and evidence as to service connection may be filed at any time after date of enactment of this act, or the date of death, and evidence required in connection with any claim must be submitted in accordance with regulations prescribed by the Administrator of Veterans' Affairs.*

*Sec. 3. On and after the date of enactment of this act for the purpose of payment of compensation under the laws administered by the Veterans' Administration, the term "widow of a World War veteran" shall mean a woman who was married prior to the date of enactment of this act to the person who served: Provided, That all marriages shall be proven as valid marriages according to the law of the place where the parties resided at the time of marriage or the law of the place where the parties resided when the right to compensation accrued. Compensation shall not be allowed a widow who has remarried either once or more than once, and where compensation is properly discontinued by reason of remarriage it shall not thereafter be recommenced. No compensation shall be paid to a widow unless there was continuous cohabitation with the person who served from the date of marriage to date of death, except where there was a separation which was due to the misconduct of or procured by the person who served, without the fault of the widow.*

*Sec. 4. Section 1 of Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 509), is hereby repealed.*

The SPEAKER. Is a second demanded?

Mrs. ROGERS of Massachusetts. Mr. Speaker, I demand a second.

Mr. GRISWOLD. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The gentleman from Indiana [Mr. GRISWOLD] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mrs. ROGERS] will be recognized for 20 minutes.

Mr. GRISWOLD. Mr. Speaker, the object of this bill is to amend the present law, Public 304. There is very little to be explained about the bill.

Under present law the widow of a service-connected veteran is required to show the veteran had a 20-percent disability, service-connected, before she is entitled to a pension. This bill serves to reduce the service-connected disability to 10 percent, and if the bill is passed the widow of a service-connected veteran with 10-percent disability will be entitled to proper compensation.

Mr. Speaker, this bill also changes the marriage date from July 2, 1931, and fixes it as the date of the passage of this act.

The bill further removes the limitation that now applies, which requires that the widow of a veteran with service-connected disability of 20 percent must prove her claim within 3 years. This bill, as I stated, removes this limitation. Many veterans who have legitimate claims against the Government for a service-connected disability, having during their lifetime been able to support themselves and their dependents, have never made claim or attempted to prove a claim against the Government. Under the present law, if that veteran should die, his widow or other dependents must complete their claim and the filing of proof within 3 years. This bill removes the limitation and allows her to come in at any time if she is able to do so and prove a service-connected disability sustained by her deceased veteran husband.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. GRISWOLD. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. Why could not the gentleman's committee find it within its best judgment to bring in a bill which removes altogether this requirement of a service-connected disability in the case of death?

Mr. GRISWOLD. Mr. Speaker, that is a matter I hesitate to go into with the gentleman in connection with this particular bill. The viewpoint as I get it after 8 years' service on the Veterans' Committee is, the first duty the Veterans' Committee owes the veterans is to adequately take care of the men who have actually suffered a disability in service and their dependents.

Until we have adequately taken care of those men and relieved ourselves of that obligation, we have no right to go into legislation taking care of everybody generally. The Committee on World War Veterans' Legislation has always advocated, as I understand, and still advocates that our first duty is to these service-connected men before we get into a vast field of legislation that will involve everybody at a great expense.

Mr. JENKINS of Ohio. Mr. Speaker, if the gentleman will yield further, I dare say, though, the gentleman is thoroughly in accord with what is apparently a very strong sentiment in the country that something should be done, if not now, as soon as possible, to take care of World War veterans' widows who have children and no means of support.

Mr. GRISWOLD. I believe some effort should be made to take care of every widow who has children and no visible means of support, regardless of whether or not she is a widow of a veteran.

Mr. CARLSON. Mr. Speaker, will the gentleman yield?

Mr. GRISWOLD. I yield to the gentleman from Kansas.

Mr. CARLSON. Does this bill in any way care for a non-service connected case, of which we have large numbers that, I believe it may be said, are service connected, but such connection is hard to prove?

Mr. GRISWOLD. This bill does not take care of any persons except those who can prove their claim of service connection. The bill does reduce that rate from 20 percent to 10 percent. I call the attention of the gentleman to the fact that when you get the rate down to 10 percent the

line of demarcation between the service-connected and the non-service-connected cases is very small.

Mr. CARLSON. The gentleman will agree there are cases even involving the 10 percent that are often hard to prove, even when there seems to be plenty of evidence there is service connection.

Mr. GRISWOLD. I believe so. There are many borderline cases that it seems should receive compensation. They are difficult sometimes to prove under the rules, and yet we must have some fixed rules.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. GRISWOLD. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. The House Committee on Pensions a short time ago reported a bill providing pensions should be paid to widows of all World War veterans.

Mr. GRISWOLD. I do not know about that.

Mr. BOILEAU. That bill is now on the calendar. As I understand, the bill will come up for consideration Wednesday of next week, the next day when Calendar Wednesday business will be in order, and we can consider the subject at that time. If this bill is being brought out today, it may have some adverse effect on another bill, one such as the gentleman from Ohio [Mr. JENKINS] was talking about. I know there has been a good deal of jealousy between the Committee on World War Veterans' Legislation and the Committee on Pensions and some veterans' organizations on this subject. I was hoping that when the matter did come up the whole question could be brought up at one and the same time and be disposed of at one and the same time.

Mr. GRISWOLD. May I say to the gentleman—and I must decline to yield further, except for questions about this legislation—that I do not know anything about what the Committee on Pensions has done. There is no jealousy, to my knowledge, between the committees. Their jurisdiction prevents that. I am not a member of that committee and have never read the bill to which the gentleman refers.

Mr. BOILEAU. Has not the gentleman heard about the bill?

Mr. GRISWOLD. I have understood it is a bill which gives some \$90,000,000 or more to its beneficiaries the first year. From all the information I have, it is a bill which, if passed, would in all probability be vetoed. I am interested in doing something for the veteran and not in merely making an effort to deceive him with the plea that I am trying to do something for him when I know it cannot be accomplished.

Mr. BOILEAU. May I say I was hopeful the whole matter could be disposed of at one and the same time.

Mr. GRISWOLD. I may say further to the gentleman I believe the veterans' organizations agree on the viewpoint I have stated, because all three of the veterans' organizations have endorsed this bill.

Mr. DONDERO and Mr. MAY arose.

Mr. GRISWOLD. I yield first to the gentleman from Michigan.

Mr. DONDERO. What does the passage of this bill mean in the way of additional pensions? Can the gentleman inform the House on this feature?

Mr. GRISWOLD. Under section 1 of the bill some 1,500 cases will be added to the rolls at an estimated cost the first year of \$540,300. Under section 3 of the bill 2,200 service-connected cases will be added the first year at an estimated cost of \$794,900. Then there will be 1,200 additional cases at an estimated cost the first year of \$313,300. This makes a total cost the first year of \$1,651,500.

Mr. DONDERO. A little more than a million and a half.

Mr. GRISWOLD. A little over a million and a half, by which we give between 4,000 and 5,000 widows and dependents, who are justly entitled to something, that to which they are entitled.

I now yield to the gentleman from Kentucky.

Mr. MAY. Can the gentleman inform us whether or not many of the difficulties with respect to these service-connected cases, even those with which this bill proposes to

deal, arise out of regulations and Executive orders, heretofore made by the Veterans' Administration in pursuance of legislation, that preclude the service-connected veterans from being paid compensation when they should receive it?

Mr. GRISWOLD. I could not go as far as to say that. I have had some unfortunate experiences, but whether they were justified or not I do not know. It is hard to at all times see both sides. On veterans' claims brought to our attention we generally, as Congressmen, are the advocates of the veteran.

Mr. MAY. My experience has been that when I do have a case I am up against some regulation of the Veterans' Administration that bars relief.

Mr. GRISWOLD. I have also had some very kindly consideration in the handling of claims.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. GRISWOLD. I yield.

Mr. COLMER. In answer to the gentleman from Wisconsin [Mr. BOILEAU], as I understand the position of the gentleman from Indiana [Mr. GRISWOLD], the best thing we can do is to get something very definite which we can get now and let the matter of a general pension take care of itself later on.

Mr. GRISWOLD. If the other body acts favorably on this legislation, we are practically assured we will get something for the particular class we are trying to help. Without the passage of this bill we are not assured of anything.

Mr. COLMER. I understand the gentleman's position.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. GRISWOLD. I yield.

Mr. DINGELL. May I ask the gentleman whether the committee was prompted in this instance to liberalize the law affecting widows of service-connected disabled veterans by the fact it is evident that such liberalization is absolutely essential?

Mr. GRISWOLD. I will answer the gentleman in this way. At the last session, the gentleman from Mississippi [Mr. RANKIN], the chairman of the Committee on World War Veterans' Legislation, brought a bill before this House that had as its object the very thing we are endeavoring to do now. In connection with that measure we were forced to compromise, and we did compromise and that bill was passed by the House and is now law. This bill merely reinstates and effectuates the thing we were endeavoring to do at that time.

Mr. DINGELL. I thank the gentleman for the information.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. GRISWOLD. I yield.

Mr. DIRKSEN. The estimated cost of this measure for the first year, I understand, is \$1,651,000. Has the gentleman projected the cost for the further years, second, third, and fourth years?

Mr. GRISWOLD. I have not that information handy, but the cost runs approximately the same. The increase is slight because of the marriage date. The marriage date will be moved up to the effective date of this act from July 2, 1931.

Mr. DIRKSEN. But there were no figures from the Veterans' Administration on that?

Mr. GRISWOLD. Yes; but I have not the figures handy.

Mr. MASSINGALE. Mr. Speaker, will the gentleman yield?

Mr. GRISWOLD. I yield.

Mr. MASSINGALE. I am wondering what the provision in the bill is for the distribution of this pension to the children in case of the death of the widow?

Mr. GRISWOLD. The gentleman will understand that pensions are an individual matter that go to the individual. The children do not receive a pension by right of the widow receiving a pension. They receive their pension through the father, and the death of the widow would not affect the rights of the dependent children one way or the other if they were of an age that would bring them under the pension act.



Mr. MASSINGALE. I do not believe the gentleman quite understands the question I am asking. In case of the death of a veteran leaving a widow and children, of course, altogether they would get more if she were alive, but in case of her death would the amount originally allowed to all of them be paid to the children?

Mr. GRISWOLD. No; it would not.

This legislation has been approved by the representatives of the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars. The officials of those organizations appeared at the hearings and urged its passage. The Administrator of Veterans' Affairs stated that he would recommend it favorably to the President. The committee reported it favorably by a unanimous vote, and we urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, I am very much pleased to vote for this bill, but I think we should have some legislation that would go further. This bill, as you appreciate from the very splendid discussion by the gentleman from Indiana, carries in it the controlling factor of service-connected disability. In other words, for a widow to draw a pension under this law she must show that her husband was at the time of his death suffering from a service-connected disability of at least 10 percent.

I believe we shall never do justice to the World War widows until we take need as the criterion by which they should be compensated. For instance, the saddest cases I know of in my district will not be reached by this bill. The saddest cases are those of women whose husbands have died or have been killed, where the husband had no service-connected disability, but where he left a wife and in many instances some small children totally unprovided for.

I say to you that in this great country of ours, while we are spending money so freely, we ought to have a provision in our law to take care of the widow of a World War veteran or where that widow has some children that she cannot rear and cannot keep without having to go on relief or having to separate herself from these children by putting them in some children's home or some institution of that sort.

So I hope the time will soon come when this House can find it advisable, financially and every other way, to come forward with a bill that we can enact into law taking care of these people that ought to be cared for. For years I have advocated such a bill. I think that when I introduced such a bill about 8 years ago that it was the first bill of that kind introduced up to that time. That bill or some bill similar to it should pass. I think we could pass it over the President's veto. Let us do something for the widows and helpless children of those who risked their lives for their country. [Applause.]

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Speaker, I want to congratulate the Pensions Committee for getting this bill upon the floor of the House for consideration. [Laughter.] I think the Pensions Committee is deserving of a good deal of the credit, although this bill, as we all know, is reported by the Committee on World War Veterans' Legislation.

As I understand it, effort has been made for quite some time to get the Committee on World War Veterans' Legislation to take some action on this type of legislation, and it was not until after the Pensions Committee reported the bill providing for pensions to the widows of all World War veterans that the Committee on World War Veterans' Legislation started to have hearings and later reported out this bill.

Mr. GRISWOLD. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. GRISWOLD. I do not believe the gentleman wants to make deliberately any erroneous statement.

Mr. BOILEAU. If I am in error I would like to be corrected.

Mr. GRISWOLD. If the gentleman had listened, he would have realized that I stated before that a bill in practically the terms of the bill now before us was presented to the House at the last session at the time Public 304 was passed. The terms were almost identical with the terms of this bill. At that time we were forced to compromise, to take what we could get, because the World War Veterans' Committee believed in getting the veterans something.

Mr. BOILEAU. I appreciate that, and I know the gentleman is a real friend of the veteran.

Mr. GRISWOLD. And now the Veterans' Committee comes back in this session with a bill by which they get what we were asking at that time and could not get.

Mr. BOILEAU. I appreciate the fact. I know there is no man in the House who is a better friend of the World War veterans than is the gentleman from Indiana.

Mr. GRISWOLD. I am not making any statement for myself, but on behalf of the World War Veterans' Committee, of which I am acting as chairman during the illness of the author of this bill, the Honorable JOHN RANKIN.

Mr. BOILEAU. I am sure the gentleman does not have to do that, because he has demonstrated for too long his friendship for the World War veterans. I submit, however, Mr. Speaker, that if it had not been for this bill being brought up today, on Calendar Wednesday of this week in the call when the Pensions Committee comes to the call, it would have been possible for us to consider at that time a bill broad enough in its provisions to provide for pensions for widows of all World War veterans and at that time it would have been open to debate, and to amendment, and we would have had opportunity to consider this matter from different angles. I regret personally that we do not have that opportunity here today, because this bill is being brought to us under suspension of the rules, under which we cannot offer any amendment that we may desire to offer.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I yield the gentleman 1 minute more.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield to me?

Mr. BOILEAU. Yes.

Mr. WADSWORTH. May I ask if the gentleman can give us any information as to that compromise, which I understand was made during the last Congress, as described by the gentleman from Indiana [Mr. GRISWOLD], and with whom that compromise was made?

Mr. BOILEAU. I cannot give the gentleman that information. So far as I am concerned, I recognize no compromise except a compromise made between the Senate and the House or between Members of the House on the floor in open debate.

Mr. WADSWORTH. Then the gentleman cannot answer my suggestion that perhaps the compromise was made with the President of the United States?

Mr. BOILEAU. I am not informed.

Mrs. ROGERS of Massachusetts. Mr. Speaker, it is our understanding that the President would not approve that last bill, and that was the compromise made.

Mr. BOILEAU. I believe the way to compromise in that respect is to pass the bill that we believe in and send it to the White House, and a compromise can then be made if the President vetoes it.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I believe a general pension bill might come up at a later date. I do not think this would interfere with the passage of that bill, and it ought not to. I think that bill ought to be considered upon its merits. Many of us were sorry that a more extensive bill was not passed out of the World War Veterans' Committee. Some of us would have liked to have secured a larger pension for the widows and orphans of service-connected cases, and we would like to have had this bill go much further in some other respects. The veterans' organizations appeared before the committee and endorsed the bill. I gathered from their testimony that they think it important to secure at least as much as there is in this bill and they

wanted to be sure of the passage of some relief for widows and orphans. They feared a Presidential veto as apparently do many others. There was one very cruel provision in the bill of last year, and that was that it debarred the widows who had no children from benefiting under the terms of the bill. That has been removed. Also there is no time limit to the filing of claims, and that is of tremendous help to widows who may not realize that they may secure service connection for their husbands after they are dead. I am very happy that this bill has come up for action. I believe it will pass the House unanimously.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. Yes; very gladly.

Mr. JENKINS of Ohio. If this bill passes, then every wife of every World War veteran whose husband had at least 10 percent disability would be entitled to pension if she has any children.

Mrs. ROGERS of Massachusetts. Yes; and even if she does not have any children.

This liberalization falls far short of what should be done. We should pass a bill which would give these dependents of World War veterans a rate of payment equal at least to that paid by the Canadian Government. That country gives the widows and children of men who died of service-connected causes double what we give them.

In this present depression—and it is fast earning the unsavory reputation of being the country's worst—women are suffering more than men. There is a very definite trend of public sentiment against employed women, caused by the feeling that they are taking away employment from heads of families. You and I know that it is very difficult for a woman to secure work; we know it from the hundreds of letters we receive asking assistance in finding any kind of employment for them. It is doubly hard upon the widows of veterans, for many of them have been thrown upon their own resources, through the death of the veteran husband, after a long period during which they have been occupied in their home duties. Even if at one time they were fitted for office work, or for factory employment, that experience and that aptitude is now so far in the background as to be almost without value when they go seeking a job. The Government has a very definite obligation to them and that obligation is being only partly fulfilled by this bill. Their situation is desperate. They cannot live upon the amount granted them by this legislation, and they are not fitted to take their places in industry and in business. We shall have to increase the compensation for these dependents and I regret exceedingly that it is not being done in the present bill.

I have been a member of the World War Veterans' Committee since 1925 and have the honor to be the ranking Republican Member. I wish to express my appreciation of the courteous and fair manner in which the acting chairman of the committee, the gentleman from Indiana [Mr. GRISWOLD] conducted the hearings upon this bill. It was a pleasure to serve with him and with the members of the committee of both sides. I earnestly trust that the inequalities in the legislation for all veterans will be righted some day.

Mr. Speaker, I now yield to the gentleman from Kentucky [Mr. ROBSON] such time as he may desire.

Mr. ROBSON of Kentucky. Mr. Speaker, we have before us for consideration H. R. 9725, which is being considered under suspension of the rules of the House. This means that the time for debate is very much limited and no amendment can be offered to the bill. Only one of two courses is open to Members—to vote for or against the bill. I shall vote for this bill. It is the only bill before us.

This bill proposes to change the existing laws governing pensions for widows and children of World War veterans. It changes the existing law in some two or three respects.

Until we passed the act of August 16, 1937, the widows and children of World War veterans could not secure a pension unless they were able to establish to the satisfaction of the Veterans' Administration that the veteran at the time of his death had a 30-percent permanent service dis-

ability. The act of August 16, 1937, made it 20 percent instead of 30 percent. The bill before us provides that widows and children of World War veterans may secure a pension provided they can prove that at the time the veteran died he had a 10-percent permanent service disability.

When the act of August 16, 1937, was before the House an effort was made then to fix the permanent disability at 10 percent instead of 20 percent, but it was announced that President Roosevelt would veto the bill unless the 20 percent was retained in the bill.

The measure before us also provides that a widow married to the veteran any time before the passage of this act can secure a pension even though there was no child or children born to her and the veteran, provided, of course, she proves that the veteran at the time of his death had a 10-percent permanent service disability.

The report of the Veterans' Committee filed with this bill shows that it will not help more than 8,300 cases of widows or children of World War veterans.

Of course, if the veteran has a 10-percent disability due to service at the time of his death and leaves children but no widow, the children will take the pension; or in the event that the widow of a World War veteran remarries, then the pension will go to the children; but in each it must be proved the death of the veteran was due to service or at the time of his death he had a 10-percent disability due to service.

PREFER H. R. 9285

The bill under consideration was introduced in the House by Mr. RANKIN, chairman of the Veterans' Committee, on March 4, 1938. On January 5, 1937, the first day of the Seventy-fifth Congress, I introduced H. R. 1615, granting pensions to widows and minor and helpless children of soldiers, sailors, and marines of the World War. My bill provides a pension for widows of \$30 per month during their widowhood and also pensions for minor and helpless children of the veteran even though the death of the veteran was not due to service and even though he did not have at the time of his death a permanent service disability.

For more than 40 years we have been paying pensions to widows, minor children, and helpless children of Civil War veterans even though the death of the veteran was not due to service and he had no permanent service disability at the time of his death. Ever since 1918 we have been paying pensions to the widows and minor and helpless children of Spanish War, Philippine Insurrection, and Indian war veterans even though the death of the veteran was not due to service and the veteran had no permanent service disability at the time of his death. We should not have a different rule for widows and minor and dependent children of World War veterans to that of the widows and children of Civil War, Spanish War, and Indian war veterans; therefore in 1928 I introduced a bill in the House and when I went to the Senate I introduced a bill in the Senate placing widows and minor and dependent children of World War veterans on an equal footing with the widows and minor and dependent children of Civil War, Spanish War, and Indian war veterans.

Other Members of the House, Democrats and Republicans, including Mr. GASQUE, of South Carolina, chairman of the Pension Committee, introduced similar bills in the Seventy-fifth Congress. On January 25 and 28 hearings were had on the several bills introduced by Mr. GASQUE, Mr. TAYLOR of Tennessee, others, and myself, and the Pensions Committee on February 2, 1938, reported favorably to the House the bill of Chairman GASQUE.

I have heretofore referred to the fact that the bill, H. R. 9725, introduced by Mr. RANKIN on March 4, 1938, at the most will not take care of more than 8,300 cases and will cost for the first year approximately \$1,651,500. The administration is opposed to my bill and the bill of Chairman GASQUE, as well as other similar bills. The Veterans' Administration claims that the bills of Mr. GASQUE and myself would take care of the widows and children of 188,400 deceased World War veterans.

It can be seen that the Rankin bill was introduced after there had been hearings on the bills of Mr. GASQUE, others,



and myself, and a favorable report had been made to the House. The administration then, in my opinion, got busy and had the Rankin bill introduced on March 4, 1938, and had it reported out in order to head off a real pension bill for the widows and minor and dependent children of World War veterans. The administration has control of the House and Senate and has the votes and no doubt it will prevent the Gasque bill coming up next Wednesday or at any other time during this session of Congress. This is most unfortunate, because there are tens of thousands of needy widows, minor and dependent children of World War veterans. Thousands and thousands of these deceased World War veterans served their country at \$1.10 overseas during the World War and contracted diseases that ultimately caused their deaths, but their widows and children cannot establish this to the satisfaction of the Veterans' Administration.

#### BILLIONS FOR SUPERNAVY—CRUMBS FOR WIDOWS AND ORPHANS

The President, the Bureau of the Budget, and Congress had already set in motion the appropriation of nearly \$1,100,000,000 for the Army and Navy for the coming fiscal year. Congress had already authorized another \$1,500,000,000 for which no appropriations have ever been asked or are now being asked to expand the Navy. Congress authorized ample funds to construct seven more great battleships at approximately \$75,000,000 each, but for which the Navy has asked no appropriation and the construction of which cannot possibly be completed within the next 5 years; yet on today the House, at the request of the President, by vote authorized another \$1,121,000,000 to build three battleships that cannot be started before 1945 or 1946, and then they bring out this little bill that will pension the dependents of 8,300 World War veterans when there are 180,000 other widows and minor and dependent children of World War veterans, most of whom are in dire need. I have said many times, and I desire to repeat here that no dollar for national defense can bring better results than in taking care of the disabled veterans who have served their country, and in providing for the widows and orphan children of veterans.

Billions for battleships to be built years in the future, and less than \$2,000,000 for the needy widows and orphans of those who served their country nobly and heroically. We are spending other billions and taking care of 1,000,000 or more aliens and their dependents and at the same time hand a few crumbs to the dependents of our veterans.

Mr. MAY. Will the gentleman yield?

Mr. ROBSION of Kentucky. I shall be glad to yield.

Mr. MAY. Is there anything in this bill that will authorize the Veterans' Administration to put out rules and regulations contrary to the acts of Congress?

Mr. ROBSION of Kentucky. There are no such provisions in the bill, but the President and the Veterans' Administration have issued rules and regulations which in my opinion do override the acts of Congress.

Mr. GRISWOLD. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. JARMAN].

Mr. JARMAN. Mr. Speaker, as one who practically since the armistice has industriously interested himself in behalf of the veterans of the World War, and particularly the disabled veterans and their dependents, I yield to no man or woman in my interest in them. I think I can say the same of the members of the World War Veterans' Legislation Committee. I believe they are just as much interested in the veterans and their dependents as I am; and I say to you that as practical people we went very carefully into this proposition and decided, as the gentleman from Indiana, our able acting chairman, has intimated, that a bird in the hand—and we understand this is the bird—is worth two in the bush. We feel that we acted in the interest of the veterans and their dependents in bringing this bill up today, and we very much hope it will pass overwhelmingly.

The SPEAKER. The question is, Shall the rules be suspended and the bill be passed?

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mr. KENNEDY of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein an address by the Honorable Joseph B. Keenan, Assistant to the Attorney General, delivered on March 17.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a speech I made at Savannah, Ga., on last Thursday.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein an address I delivered before the Lodge Nansen, No. 410, Sons of Norway, St. George, Staten Island, N. Y., on March 18, 1938.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that Wednesday, of this week, after the conclusion of the legislative program of the day, I may be permitted to address the House for 30 minutes on the subject of the wage and hour law.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### CONSTITUTIONAL SESQUICENTENNIAL COMMISSION

Mr. WOODRUM. Mr. Speaker, I move to suspend the rules and pass House Joint Resolution 623, making available additional funds for the United States Sesquicentennial Commission.

The Clerk read as follows:

*Resolved, etc., That for an additional amount for the United States Constitution Sesquicentennial Commission to carry out the provisions of the public resolution entitled "Joint resolution to enable the United States Constitution Sesquicentennial Commission to carry out and give effect to certain approved plans, and for other purposes," approved June 1, 1936 (49 Stat. 1392), as amended by the public resolution entitled "Joint resolution to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission," approved August 19, 1937 (50 Stat. 694), there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, to remain available until June 30, 1939. Not to exceed \$155,000 of the sums heretofore and hereafter received by the Commission from the sale of publications and other material are hereby appropriated as a revolving fund for the further acquisition of such publications and material as authorized by section 2 of such public resolution of August 19, 1937, to remain available until June 30, 1939, and to be available for the payment of obligations heretofore incurred for such purposes and for personal services in connection with the sale of such publications and other material.*

The SPEAKER. Is a second demanded?

Mr. TABER. Mr. Speaker, I demand a second.

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER. The gentleman from Virginia is recognized for 20 minutes, and the gentleman from New York is recognized for 20 minutes.

Mr. WOODRUM. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, quite some time ago Congress passed a law setting up the United States Constitution Sesquicentennial

commission. The President of the United States is chairman of the Commission. The other members of the Commission are distinguished Members of the House and the Senate of both the majority and minority parties. That law provided for the designation of a director general and for a celebration of the birth of the United States Constitution, culminating with the anniversary of the inauguration of Washington as President, in April 1939. It gave the Commission the authority to run throughout the calendar year 1939, to wind up its business by December 31, 1939.

The original law authorized an appropriation of \$350,000. Subsequently that law was amended to increase the amount authorized to \$475,000 for the purpose of authorizing the appropriation of \$125,000 with which to have books printed, the little "Story of the Constitution," in order that there might be a distribution of those volumes among Members of the House. The Appropriations Committee has never brought in an appropriation of \$125,000 which was authorized, nor is it contained in this appropriation. The item we bring in here is the remaining part of the appropriation authorized in the original legislation; that is to say, \$50,000 in the original legislation. Authority also was given to this Commission to have the use of funds which might come in from the sale of pamphlets, documents, and volumes which might be printed and published and sold under the auspices of this Commission, these funds going into the general funds of the Treasury and not being available for distribution or expenditure by the Commission until they were regularly appropriated by Congress. To date there is something like \$98,000 in the general funds of the Treasury from the sales of these various pamphlets, documents, and literature.

There is on hand in the Sesquicentennial Commission something like \$127,000 worth of material which is yet to be sold and which from all appearances will likely be sold and taken up by the public in these educational demonstrations in behalf of the Commission.

The resolution which we present today appropriates the remaining \$50,000 which was originally authorized for the Sesquicentennial Commission. It gives the Commission the use of its revolving fund, not to exceed \$155,000, which will be sufficient to pay for materials and administrative expenses which they have incurred up to date and to wind up the celebration which will be completed on July 1, 1939. In this respect, Mr. Speaker, we have curtailed the original authorization by not appropriating the \$125,000 for books which were to be distributed and we have also somewhat shortened the duration of the celebration by providing that the Commission shall wind up its affairs on June 30, 1939, rather than on January 1, 1940.

This appropriation was carried in the regular independent offices bill and when the bill was considered on the floor of the House the committee, as the record will show, asked that this item be stricken from the bill in order that some parliamentary situations might be straightened out with reference to the appropriation and in order that the committee might go back and hold additional hearings and give further consideration to the matter. The deficiency subcommittee did hold additional hearings. We went into the matter very carefully, and I think thoroughly, and this is brought forward with a unanimous report of the subcommittee on deficiency.

I do not know that it is necessary to say anything further unless there are questions.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Speaker, I yield myself 5 additional minutes.

Mr. TOBEY. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from New Hampshire.

Mr. TOBEY. Is it the contention of the gentleman now addressing the House that in the joint resolutions pertaining to the Sesquicentennial Commission there ever was given the authority to go into the merchandising business; that is, to buy and sell for a potential profit or loss, as the case may be?

Mr. WOODRUM. I may say to the gentleman that the authorization carried for this Commission was like many authorizations which Congress passes. We too frequently are somewhat careless, or I might say we are not as careful as we should be in the language used in authorizing acts.

There is in the authorization the specific statement that the revolving fund may be available for the purpose of paying the expenses of the Commission and for the purpose of buying and selling material. The Director General of the Commission construed that as giving him the power to buy and sell materials, and, apparently, the Congress meant to give him that authority; but the Comptroller General's office held, and I think properly, if he had the authority to use those funds after they went into the Treasury there must be an appropriation by the Congress. I think that is unquestionably true.

Undoubtedly the Congress meant to put this Commission in the same position as the George Washington Bicentennial Commission. That Commission, as the gentleman chose to put it, did go into the merchandising business.

Mr. TOBEY. I think the gentleman misunderstood the import of my question. I hold in my hand three resolutions, Nos. 97, 63, and another one, and after scanning them closely I fail to find wherein the Congress has given authority to the Commission to sell goods or to manufacture goods on order and then sell or retail them. There may be some authority, but it is not in here.

I pass to another question. In connection with the resolution now before us which the gentleman is offering, if he will turn to the next to the last paragraph on page 2 he will find these words:

The revolving fund is to be made available only for acquisition of materials and publications and for such personal services as may be necessary in connection with the sale.

Then, if you will skip down to the last sentence of the paragraph I call attention to this contrast. There is a reference to \$15,000 there as a charge for personal services.

What is the connection between those two important paragraphs and sentences?

Mr. WOODRUM. I think it is meant to say that the services in connection with the sale of that material will amount to \$15,000.

Mr. TOBEY. The first paragraph is superfluous?

Mr. WOODRUM. That is correct. In other words, this is intended to be a limitation on the amount used for services in connection with sales.

Mr. TOBEY. Now, looking over a little further, we find that the total receipts amount to \$224,000, consisting of \$97,000 now in the Treasury from sales, and an inventory of \$127,000. Of course, this inventory value is largely a state of mind, it is not an actuality. It may be we will have to have a rummage sale to get rid of it. If we do not receive that amount of money and there is a shortage, the gentleman will come before us again asking for an additional deficiency appropriation.

Mr. WOODRUM. We will not ask for any more money.

Mr. TOBEY. Suppose the inventory does not turn out?

Mr. WOODRUM. The first thing that will be done will be to pay the bills we now owe. No more contracts of any kind for any sort of material will be incurred until the money is in hand to pay therefor.

Mr. TOBEY. It is the purpose then of the committee and the import of this resolution to get the thing out of the way and close the books as soon as possible?

Mr. WOODRUM. It is the purpose to wind it up.

Mr. TOBEY. That is what I have been trying to do all the time, and I am glad the committee has taken action to that end.

[Here the gavel fell.]

The SPEAKER. The question is on suspending the rules and passing the joint resolution.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was agreed to.

A motion to reconsider was laid on the table.



## DISTRICT OF COLUMBIA APPROPRIATION BILL, 1939

Mr. COLLINS. Mr. Speaker, I call up the conference report on the bill (H. R. 9181) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes.

The Clerk read the conference report.

The conference report and statement are as follows:

## CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9181) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 6, 7, 8, 14, 15, 23, 24, 25, 28, 31, 32, 33, 34, 38, 39, 41, 43, 44, 45, 49, 50, 74, 81, 85, 88, 89, 90, 100, 102, 111, 112, 113, 114, 115, 116, 117, 118, 119, 125, 126, 130, and 134.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 9, 13, 17, 18, 19, 20, 21, 27, 30, 36, 37, 40, 42, 46, 48, 52, 53, 54, 55, 56, 57, 64, 65, 67, 68, 72, 73, 75, 76, 79, 86, 87, 91, 92, 93, 94, 95, 96, 98, 99, 101, 103, 105, 106, 107, 108, 109, 110, 120, 121, 122, 123, 124, 131, and 132, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$240,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows:

"For the use of the Senate and House Committees on the District of Columbia, acting jointly or separately as the Chairmen of the two Committees may decide, to employ such clerical help as will be necessary to make a complete study of the various surveys previously made of the government of the District of Columbia for the express purpose of forming such legislation as will effect a more efficient and economic handling of the government affairs of the District of Columbia, \$5,000, to be immediately available."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "\$76,980"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "\$862,500"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "\$132,600"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$190,000"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "\$2,894,870"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "\$76,595"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$50,500"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows:

"For maintenance of a suitable place for the reception and detention of girls and women, and of boys under seventeen years of age, arrested by the police on charge of offense against any laws in force in the District of Columbia, or held as witnesses or held pending final investigation or examination, or otherwise, or committed to the guardianship of the Board of Public Welfare, including transportation, clinic supplies, food, clothing, upkeep and repair of buildings, fuel, gas, ice, laundry, supplies and equipment, electricity, and other necessary expenses, \$13,500; for personal services, \$9,240; in all, \$22,740."

And the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$40,000"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "including not to exceed six full time chief resident physicians at \$5,600 per annum each, to be appointed without reference to civil service requirements, and"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$64,270"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$98,400"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$267,500"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"For the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place in a building entirely separate and apart from the house of detention for the reception and detention of children under seventeen years of age arrested by the police on charge of offense against any laws in force in the District of Columbia, or committed to the guardianship of the Board, or held as witnesses, or held temporarily, or pending hearing, or otherwise, including transportation, food, clothing, medicine, and medicinal supplies, rental, repair and upkeep of buildings, fuel, gas, electricity, ice, supplies and equipment, and other necessary expenses including not to exceed \$9,560 for personal services, \$19,000: *Provided*, That no part of this appropriation shall be available for the operation of this institution after December 31, 1938."

And the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows: In lieu of the figure proposed insert "8½"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$510,860"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 10, 12, 22, 29, 35, 58, 66, 69, 77, 82, 127, 128, 129, 133, 135, and 136.

ROSS A. COLLINS,  
MILLARD F. CALDWELL,  
JOSEPH E. CASEY,  
ALBERT J. ENGEL,

*Managers on the part of the House.*

ELMER THOMAS,  
CARTER GLASS,  
WILLIAM H. KING,  
GERALD P. NYE,

*Managers on the part of the Senate.*

## STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9181) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendment No. 1: Appropriates \$56,000, as proposed by the House, instead of \$57,000, as proposed by the Senate, for personal services in the purchasing division.

On amendment No. 2: Appropriates \$240,000 for the department of inspections instead of \$234,196, as proposed by the House, and \$245,440, as proposed by the Senate.

On amendment No. 3: Appropriates \$126,600 for personal services in connection with the care of the District buildings, as proposed by the Senate, instead of \$129,000, as proposed by the House.

On amendment No. 4: Appropriates \$50,000, as proposed by the House, instead of \$52,050, as proposed by the Senate, for personal services in the collector's office.

On amendment No. 6: Appropriates \$57,980, as proposed by the House, instead of \$60,120, as proposed by the Senate, for personal services in the municipal architect's office.

On amendments Nos. 7 and 8: Appropriates \$8,420, as proposed by the House, instead of \$9,420, as proposed by the Senate, for personal services for the Minimum Wage Board; and provides \$2,500 for the salary of the secretary of the Board, as proposed by the House, instead of \$3,500, as proposed by the Senate.

On amendment No. 9: Appropriates \$111,440, as proposed by the Senate, instead of \$110,000, as proposed by the House, for salaries, office of the recorder of deeds.

On amendment No. 11: Provides \$5,000 for the use of the Senate and House District of Columbia Committees, jointly, if desired, for clerical assistance necessary to make a complete study of surveys previously made of the government of the District of Columbia, and makes such appropriation immediately available, instead of providing for such survey by the House District of Columbia Committee, as proposed by the House, or elimination of the item, as proposed by the Senate.

On amendments Nos. 13, 14, 15, and 16, relating to the central garage: Appropriates \$61,780, as proposed by the Senate, instead of \$60,980, as proposed by the House, for the maintenance and operation of passenger-carrying automobiles; provides \$1,500, as proposed by the House, instead of \$2,000, as proposed by the Senate, for the purchase of a motor bus; and corrects the totals in the paragraph.

On amendment No. 17: Authorizes the use of \$9,900, as proposed by the Senate, instead of \$8,900, as proposed by the House, for the purchase of street-car and bus fares.

On amendment No. 18: Broadens the scope for which the \$2,500 emergency fund appropriated for use by the Commissioners may be expended, as proposed by the Senate.

On amendments Nos. 19 and 20: Provides that personnel to be employed in connection with the preparation of plans and specifications for the Municipal Center may be secured without civil-service requirements, and that appropriations for the Center shall be available for fixed equipment, as proposed by the Senate.

On amendment No. 21: Provides that approximately 50 percent of funds for binding for the Public Library shall be expended for work performed at the Reformatory at Lorton, Va., as proposed by the Senate.

On amendments Nos. 23, 24, and 25, relating to the sewer department: Appropriates \$175,000, as proposed by the House, instead of \$180,000, as proposed by the Senate, for personal services; provides \$230,000, as proposed by the House, instead of \$240,000, as proposed by the Senate, for cleaning and repairing sewers; and makes available \$225,000 for assessment and permit work, as proposed by the House, instead of \$250,000, as proposed by the Senate.

On amendment No. 26: Appropriates \$862,500 for the collection and disposal of garbage and miscellaneous refuse, instead of \$850,000, as proposed by the House, and \$875,000, as proposed by the Senate.

On amendments Nos. 27 and 28, relating to public playgrounds: Appropriates \$131,000, as proposed by the Senate, instead of \$127,780, as proposed by the House, for personal services; and strikes out the proposal of the Senate to provide \$29,700 for the operation of school playgrounds during the summer months and after school hours.

On amendment No. 30: Strikes out, as proposed by the Senate, the provision of the House appropriating \$15,000 for a survey of the power needs of the District of Columbia.

On amendment No. 31: Appropriates \$673,700, as proposed by the House, instead of \$691,817, as proposed by the Senate, for administrative and supervisory officers in the public schools.

On amendment No. 32: Appropriates \$179,540, as proposed by the House, instead of \$180,740, as proposed by the Senate, for clerks and other employees for the public schools.

On amendments Nos. 33 and 34: Appropriates \$7,119,300, as proposed by the House, instead of \$7,296,716, as proposed by the Senate, for teachers and librarians in the public schools; and provides that the average of the salaries paid librarians in the schools shall not exceed the average paid in the Public Library, as proposed by the House.

On amendment No. 36: Appropriates \$2,700, as proposed by the Senate, instead of \$2,000, as proposed by the House, for providing educational opportunities for children of men who were killed in action or died during the World War.

On amendment No. 37: Appropriates \$17,699, as proposed by the Senate, instead of \$30,000, as proposed by the House, for vocational education.

On amendment No. 38: Restores the provision of the House appropriating \$25,000 for the maintenance of school playgrounds during the summer months and after school hours under the direction of the community center department.

On amendment No. 39: Appropriates \$948,785, as proposed by the House, instead of \$967,950, as proposed by the Senate, for custodial employees in the public schools.

On amendments Nos. 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52, relating to miscellaneous items of expense under the public schools: Appropriates \$7,500, as proposed by the Senate, instead of \$7,000, as proposed by the House, for maintenance of schools for tubercular and crippled pupils, and provides \$20,000, as proposed by the House, instead of \$22,500, as proposed by the Senate, for the transportation of such pupils; appropriates \$64,000, as proposed by the Senate, instead of \$60,000, as proposed by the House, for manual and vocational training equipment; provides \$300,000, as proposed by the House, instead of \$325,000, as proposed by the Senate, for the purchase of fuel, and requires that such appropriation shall be apportioned in such manner as will prevent a deficiency, as proposed by the House; strikes out the amendment of the Senate providing \$2,400 for the purchase of furniture and equipment for the Phelps Vocational School and not exceeding \$20,000 for replacement of furniture and equipment for the Central, McKinley, and Armstrong High Schools, and appropriates \$2,500 for the purchase of books for the Wilson Teachers College, as proposed by the Senate, instead of \$1,500, as proposed by the House; makes

a total of \$132,600 available for contingent expenses, instead of \$131,600, as proposed by the House, and \$160,000 as proposed by the Senate; retains the language of the Senate which will make funds available for new furniture and equipment for Eastern High School; strikes out the amendment of the Senate with reference to furniture and equipment of the Banneker Junior High School and the Senior High School at Fifth and Sheridan Streets NW., and appropriates a total of \$82,415, as proposed by the House, instead of \$325,000, as proposed by the Senate, for the purchase of such furniture and equipment; appropriates \$190,000 for the purchase of textbooks and supplies, instead of \$180,000, as proposed by the House, and \$200,000, as proposed by the Senate; and appropriates \$16,975, as proposed by the Senate, instead of \$15,000, as proposed by the House, for purchase of apparatus, etc., in connection with the maintenance of laboratories of the departments of physics, chemistry, etc.

On amendments Nos. 53, 54, 55, 56, and 57, relating to school buildings and grounds: Appropriates \$64,000, as proposed by the Senate, instead of \$60,000, as proposed by the House, for improvements of the grounds and the erection of structures thereon at the Woodrow Wilson Senior High School; appropriates \$60,000 for a second-story addition to the Crosby Noyes School, as proposed by the Senate; provides \$10,000 for a sloping floor in the auditorium of the Alice Deal Junior High School, as proposed by the Senate; and corrects two totals, as proposed by the Senate.

On amendments Nos. 59, 60, and 61, relating to the Metropolitan police: Appropriates \$2,894,870 for 85 percent of the salary appropriation and allows 10 additional policemen, instead of \$2,878,720 and no additional policemen, as proposed by the House, and \$2,965,038 and 50 officers and men, as proposed by the Senate; provides \$76,595 for contingent expenses, instead of \$76,375, as proposed by the House, and \$77,475, as proposed by the Senate; and appropriates \$50,500 for uniforms, instead of \$49,750, as proposed by the House, and \$53,500, as proposed by the Senate. It was agreed by the conferees that through lapses in salaries sufficient funds would be available for the promotion of officers to staff the new No. 2 precinct, and that the increase in the number of police would be more than sufficient to meet service being rendered by the police department in the Senate wing of the Capitol.

On amendment No. 62: Restores the language of the House providing for the house of detention and provides funds for the care of children now being detained at the receiving home on Potomac Avenue SE., in said institution, effective January 1, 1939.

On amendment No. 63: Appropriates \$40,000 for repairs to motor vehicles in the fire department, instead of \$35,000, as proposed by the House, and \$45,000, as proposed by the Senate.

On amendments Nos. 64, 65, 67, 68, 70, 71, 72, 73, 74, 75, and 76, relating to the health departments: Provides for the inspection of Federal buildings and all public establishments where food is sold or served, as proposed by the Senate; appropriates \$151,540, as proposed by the Senate, instead of \$143,440, as proposed by the House, for additional nurses; provides \$25,900, as proposed by the Senate, instead of \$25,000, as proposed by the House, for the maternal and child-health service; appropriates \$4,000 for repairs and improvements at the Tuberculosis Sanatoria, instead of \$3,000, as proposed by the House, and \$5,000, as proposed by the Senate; provides six full-time chief resident physicians at the Gallinger Municipal Hospital, appropriates \$26,760, as proposed by the Senate, instead of \$13,000, as proposed by the House, for out-patient relief of the poor, and strikes out the proposal of the Senate providing \$25,000 for additional nurses at said hospital; appropriates \$270,000, as proposed by the Senate, instead of \$262,500, as proposed by the House, for maintenance of the hospital; and appropriates \$200,000, as proposed by the Senate, instead of \$165,000, as proposed by the House, for the construction of a health center in southwest Washington.

On amendments Nos. 78 and 79, relating to the juvenile court: Appropriates \$64,270 for personal services, instead of \$62,270, as proposed by the House, and \$68,840, as proposed by the Senate, and appropriates \$2,400 for general expenses, as proposed by the Senate, instead of \$2,150, as proposed by the House.

On amendments Nos. 80 and 81, relating to the police court: Appropriates \$98,400, for salaries, instead of \$96,000, as proposed by the House, and \$98,680, as proposed by the Senate; and strikes out the proposal of the Senate limiting the salary of clerks to \$3,000 per annum.

On amendment No. 83: Appropriates \$267,500 for board and care of children instead of \$260,000, as proposed by the House, and \$275,000, as proposed by the Senate.

On amendment No. 84: Provides for the operation of the receiving home until January 1, 1939, instead of operation on a full year's schedule, as proposed by the Senate.

On amendment No. 85: Appropriates \$473,660, as proposed by the House, instead of \$477,100, as proposed by the Senate, for personal services at the Workhouse and Reformatory.

On amendments Nos. 86 and 87: Strikes out \$5,000 for the purchase of additional land at the Workhouse and Reformatory, as proposed by the Senate.

On amendments Nos. 88, 89, and 90, relating to the National Training School for Girls: Strikes out the provisions inserted by the Senate for the operation of this institution, it being agreed by the conferees that during the next fiscal year girls now being provided for in said institution shall be cared for at the Industrial Home School, on Wisconsin Avenue, NW., and at the Industrial Home School for Colored Children, at Blue Plains, D. C.



On amendment No. 91: Appropriates \$6,500 for repairs at the District Training School, as proposed by the Senate, instead of \$4,500, as proposed by the House.

On amendments Nos. 92, 93, 94, 95, and 96, relating to the Industrial Home School for Colored Children: Appropriates \$39,580, as proposed by the Senate, instead of \$38,260, as proposed by the House, for personal services; provides \$28,675, as proposed by the Senate, instead of \$25,500, as proposed by the House, for operation and maintenance; and appropriates \$7,500, as proposed by the Senate, instead of \$4,500, as proposed by the House for repairs and improvements.

On amendments Nos. 97, 98, and 99, relating to public assistance: Provides that not to exceed  $8\frac{1}{2}$  percent of the total appropriation may be used for personal services, instead of 12 percent, as proposed by the Senate, and  $7\frac{1}{2}$  percent, as proposed by the House; makes \$20,000 available for the distribution of surplus commodities, as proposed by the Senate; and limits to \$60 per month the amount which may be paid to any one family, as proposed by the Senate, instead of \$75, as proposed by the House.

On amendments Nos. 100 and 101, relating to assistance against old-age want: Provides \$32,265 for personal services, as proposed by the House, instead of \$50,000, as proposed by the Senate; and appropriates \$597,000, as proposed by the Senate, instead of \$489,000, as proposed by the House, for such purpose.

On amendment No. 102: Strikes out the amendment of the Senate appropriating \$150,000 for the purchase of a site for an armory.

On amendments Nos. 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, and 130, relating to the highway fund, gasoline tax, and motor vehicle fees: Makes available for temporary clerk hire in the department of vehicles and traffic \$11,000, as proposed by the Senate, instead of \$5,000, as proposed by the House; appropriates \$510,860 for police traffic control, instead of \$508,010, as proposed by the House, and \$523,242, as proposed by the Senate; provides \$251,000, as proposed by the Senate, instead of \$246,000, as proposed by the House, for personal services in the highway department; retains \$277,000 of individual street paving items proposed by the Senate, and strikes out a total of \$554,000 of such items inserted by the Senate; appropriates \$200,000, as proposed by the Senate, instead of \$150,000, as proposed by the House, for construction of curbs and gutters; provides \$450,000, as proposed by the Senate, instead of \$350,000, as proposed by the House, for surfacing and resurfacing streets; appropriates \$50,000, as proposed by the Senate, instead of \$80,000, as proposed by the House, for maintenance and repair of bridges; makes available \$850,000, as proposed by the Senate, instead of \$825,000, as proposed by the House, for repairs to streets; restores the provisions of the House appropriating \$320,000 for a grade separation structure at K Street NW., and \$530,000 for an underpass at Thomas Circle NW.; strikes out, as proposed by the Senate, the appropriation of \$480,000, proposed by the House, for an underpass at Dupont Circle NW.; and restores the matter stricken out by the Senate with reference to the operation of a testing laboratory by the highways department.

On amendments Nos. 131 and 132: Provides that not exceeding \$750 each may be expended for the purchase of one and one-half ton trucks for the distribution service of the water department, as proposed by the Senate, instead of \$675, as proposed by the House; and appropriates \$367,700 for such service, as proposed by the Senate, instead of \$362,300, as proposed by the House.

On amendment No. 134: Provides that materials and supplies shall be purchased through the Procurement Division of the Treasury Department whenever possible, as proposed by the House, instead of making such purchases discretionary, as proposed by the Senate.

The committee of conference report in disagreement the following amendments of the Senate:

On amendment No. 5: Relating to appropriations for the office of the Auditor.

On amendment No. 10: Relating to advertising in newspapers.

On amendment No. 12: Relating to an investigation of public relief in the District of Columbia.

On amendment No. 22: Relating to the preparation of plans and specifications for a library building.

On amendment No. 29: Relating to street lighting.

On amendment No. 35: Relating to lectures in the schools on the effects of alcohol and narcotics.

On amendment No. 58: Relating to the purchase of a site for the Thomas Jefferson Memorial Junior High School.

On amendment No. 66: Relating to contract investigational services for the Health Department.

On amendment No. 69: Relating to the appropriation for personal services for the Tuberculosis Sanatoria.

On amendment No. 77: Relating to the use of the unexpended balance of the appropriation for a health center on the site of the Jones Elementary School.

On amendment No. 82: Relating to contract investigational services for the Board of Public Welfare.

On amendment No. 127: Relating to the construction of a bridge in line of Pennsylvania Avenue over the Anacostia River.

On amendment No. 128: Relating to the construction of a bridge in line of Massachusetts Avenue NW.

On amendment No. 129: Corrects a total.

On amendment No. 133: Relating to an appropriation for the construction of a reservoir on the grounds of the United States Soldiers' Home.

On amendment No. 135: Crediting the accounts of the District of Columbia for certain disbursements.

On amendment No. 136: Relating to the installation of parking meters.

ROSS A. COLLINS,  
MILLARD F. CALDWELL,  
JOSEPH E. CASEY,  
ALBERT J. ENGEL,

*Managers on the part of the House.*

Mr. COLLINS. Mr. Speaker, I wish to make a general statement with reference to this bill.

This bill is \$489,000 under the Budget. It is \$865,000 less than the amount appropriated by the Senate. The general fund items in the bill are \$682,000 under the general fund items appropriated last year. There are certain increases in the bill, but they are increases from funds that originate as a result of gasoline taxes and taxes on motor vehicles.

With this preliminary statement, Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 5: On page 5, in line 4, after the word "amended", insert, "and civil-service requirements for the employment of a real-estate expert, to be immediately available; and the compensation of the present incumbent of the position."

Mr. COLLINS. Mr. Speaker, I move to recede and concur in the Senate amendment.

The SPEAKER pro tempore (Mr. LANHAM). The question is on the motion of the gentleman from Mississippi.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 10: Page 11, line 23, after "\$9,000", insert "Provided, That this appropriation shall not be available for the payment of advertising in newspapers published outside of the District of Columbia, notwithstanding the requirement for such advertising provided by existing law."

Mr. COLLINS. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 12: Page 13, beginning in line 1, strike out all of lines 1 to 7, inclusive, and insert:

"For an investigation of public relief in the District of Columbia to be made under the supervision of the chairman of the Senate Committee on Appropriations and the chairman of the House Committee on Appropriations, who are authorized to select a person to act as director of investigation at a salary to be fixed by the said chairman; such investigation shall cover the extent of unemployment in said District; the need for all types of relief; the extent to which existing agencies are meeting both the unemployment and relief situations; the adequacy or inadequacy of individual grants; the characteristics of cases receiving assistance from public agencies; the policies and procedures of public administrative organizations, including the adequacy, qualifications, and competency of personnel. The said director of investigation is authorized and empowered to employ necessary assistants at rates of pay to be approved by the chairmen of the committees aforesaid, and the said director may request and be entitled to obtain such assistance as he may deem necessary from Federal and District agencies, including the Social Security Board and the Works Progress Administration, and the said director and his assistants shall have access to any and all records of such agencies, including financial statements, social case histories and correspondence, and he shall be free to seek information from staff members and employees of such agencies; and the said director shall make a full report to the aforesaid chairmen prior to May 1, 1938, of the results of the investigation, including such recommendations as he may deem necessary relating to administrative efficiency, the adequacy or inadequacy of public relief in the District of Columbia, existing and proposed work projects providing for unemployed employables, and any other kindred matters, \$10,000, said sum to be available immediately and to be expended without reference to the Classification Act of 1923, as amended, civil-service requirements, or any other law."

Mr. COLLINS. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Amendment No. 12: Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate No. 12, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"For an investigation of public relief in the District of Columbia to be made under the supervision of the chairmen of the respective Subcommittees on District of Columbia Appropriations of the Committees on Appropriations of the Senate and House of Representatives, who are authorized to select a person to act as director of investigation at a salary to be fixed by the said chairmen; such investigation shall cover the extent of unemployment in said District; the need for all types of relief; the extent to which existing agencies are meeting both the unemployment and relief situations; the adequacy or inadequacy of individual grants; the characteristics of cases receiving assistance from public agencies; the policies and procedures of public administrative organizations, including the adequacy, qualifications, and competency of personnel. The said director of investigation is authorized and empowered to employ necessary assistants at rates of pay to be approved by the chairmen of the subcommittees aforesaid, and the said director may request and be entitled to obtain such assistance as he may deem necessary from Federal and District agencies, including the Social Security Board and the Works Progress Administration, and the said director and his assistants shall have access to any and all records of such agencies, including financial statements, social case histories and correspondence, and he shall be free to seek information from staff members and employees of such agencies; and the said director shall make a full report to the aforesaid chairmen prior to August 1, 1938, of the results of the investigation, including such recommendations as he may deem necessary relating to administrative efficiency, the adequacy or inadequacy of public relief in the District of Columbia, existing and proposed work projects providing for unemployed employables, and any other kindred matters, \$10,000, said sum to be available immediately and to be expended without reference to the Classification Act of 1923, as amended, civil-service requirements, or any other law."

Mr. PHILLIPS. Mr. Speaker, will the gentleman from Mississippi yield?

Mr. COLLINS. I yield to the gentleman from Connecticut, for any question he may want to ask.

Mr. PHILLIPS. When this bill was originally considered, on points of order there was stricken out of the bill a provision to pay for staff help for the people's counsel in this city.

Mr. COLLINS. The gentleman is correct.

Mr. PHILLIPS. As I recall, the provision for the secretary and staff of the people's counsel was stricken out on points of order.

Mr. COLLINS. Yes; but the secretary can still be allotted to the people's counsel by the Commission.

Mr. PHILLIPS. I thank the gentleman.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Illinois.

Mr. DIRKSEN. In what respect, if any, is there a difference between the bill as amended by the Senate and the amendment proposed by the gentleman?

Mr. COLLINS. The only difference is that my amendment gives the investigating agency more than 30 days to investigate. It would be impossible to complete the investigation within that time.

Mr. DIRKSEN. The gentleman means the report is to come back on what date?

Mr. COLLINS. On August 1 or prior thereto. They can come in any time they want to.

Mr. DIRKSEN. Was not from now until the 1st of May 1938, as contemplated in the Senate amendment, sufficient time?

Mr. COLLINS. No.

Mr. DIRKSEN. Of course, the Congress probably will not be in session August 1.

Mr. COLLINS. I understand; but they can report 2 weeks from now or 3 weeks from now.

Mr. DIRKSEN. I have just had a chance to examine the bill. May I ask if a provision was put in the bill to make the amount for relief run over a period of 12 months?

Mr. COLLINS. That is right.

Mr. DIRKSEN. In other words, they will have to so husband their resources as to come out even for the 12 months?

Mr. COLLINS. Yes; but this does not mean they will have to spend an equal amount each month.

Mr. DIRKSEN. And in the event we run into the same condition we had in respect of the deficiency relief bill, where we had to come in for \$250,000,000 more because of the unusual economic situation of the country, of course the District of Columbia would be in the same position we were in in that respect.

Mr. COLLINS. I do not believe the gentleman need have any apprehension about that.

Mr. DIRKSEN. Of course, I may say to the gentleman it is a matter of opinion whether the need will arise, and I had contemplated resisting the conference report, but I thought, in view of the fact that an investigation is taking place, we could well defer the matter.

Mr. COLLINS. I think we will have all the money we will need, and in the event there is not a sufficient amount of money I am quite certain the Congress will provide it.

Mr. DIRKSEN. Of course, we will have from January 3 on in case a deficiency is necessary.

Mr. COLLINS. That is right.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Mississippi to recede and concur in the Senate amendment with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 22: On page 20, beginning in line 10, strike out all of lines 10, 11, and 12.

Mr. COLLINS. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate No. 22 and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "For the preparation of plans and specifications for a library building to be constructed on square 491 in the District of Columbia, \$60,000."

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. DIRKSEN. The language of the gentleman's motion, of course, differs from the language in the bill as contemplated by the House when this bill was up for consideration by striking out the words "branch library"?

Mr. COLLINS. That is all. The only difference is it is a library building instead of a branch library.

Mr. DIRKSEN. Will the gentleman refresh my memory by giving me the exact location of square 491.

Mr. COLLINS. It is down here where the Ford Building is.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Mississippi to recede and concur in the Senate amendment with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 29: On page 23, after line 20, insert:

"Street lighting: For purchase, installation, and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, part cost of maintenance of airport and airway lights necessary for operation of the air mail, and for all necessary expenses in connection therewith, including rental of storerooms, extra labor, operation, maintenance, and repair of motortrucks, this sum to be expended in accordance with the provisions of sections 7 and 8 of the District of Columbia Appropriation Act for the fiscal year 1912 (36 Stat. 1008-1011, sec. 7), and with the provisions of the District of Columbia Appropriation Act for the fiscal year 1913 (37 Stat. 181-184, sec. 7), and other laws applicable thereto, \$765,000: *Provided*, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed: *Provided further*, That no part of this appropriation shall be available for the payment on any contract required by law to be awarded through competitive bidding, which is not awarded to the lowest responsible



bidder on specifications, and such specifications shall be so drawn as to admit of fair competition."

Mr. COLLINS. Mr. Speaker, I move to recede and concur in the Senate amendment.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. DIRKSEN. I notice this street lighting was under the public playgrounds, and I am wondering if that was done by accident or design?

Mr. COLLINS. That was an error in printing. The effect of this amendment is to pay for street lighting out of the general funds of the District instead of out of the gasoline-tax fund.

The motion to recede and concur in the senate amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 35: On page 27, after line 15, insert a new paragraph, as follows:

"For financing 110 lectures by qualified medical experts on the effects of alcoholic beverages and other narcotics, to be delivered at student assemblies in all the public school buildings in the District of Columbia which have auditoriums, \$550."

Mr. COLLINS. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate No. 35 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Qualified Federal personnel is authorized with the approval of the head of the Federal agency concerned and upon request by the Board of Education to give lectures in the public schools on the effects of alcoholic liquors and narcotics."

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield for a question?

Mr. COLLINS. I yield.

Mr. DIRKSEN. What would be the proper Federal bureau concerned here whence they could get lecturers for this purpose?

Mr. COLLINS. Let me state the situation that confronts us. Senator CAPPER added the amendment requiring 110 lectures in the public schools to be delivered to the school children on the injurious effects of alcohol. A fee of \$5 was to be paid for each lecture to each person delivering the lectures. The effect of this amendment is to permit the lectures but to permit persons in Federal agencies to deliver them without cost.

Mr. DIRKSEN. So that we would save \$550?

Mr. COLLINS. Yes.

Mr. DIRKSEN. In the discussions had, if the gentleman knows, what authoritative, competent lecturer could be obtained to deliver such a lecture for \$5?

Mr. COLLINS. I do not know about that, but we will use the Public Health agency—that is, persons employed there—to deliver these lectures.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. O'MALLEY. Is it proposed to leave anything to the churches or the parents to do in respect to the training of children, or is that a matter to be turned entirely over to Government departments?

Mr. COLLINS. The gentleman is in a better position to answer that question than I am.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Mississippi to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 58: Page 37, line 14, after the word "available", insert "For the latter purpose without restriction as to area in southwest Washington in which said building may be located."

Mr. COLLINS. Mr. Speaker, I move to recede and concur in the Senate amendment.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. Yes.

Mrs. ROGERS of Massachusetts. My understanding is that the House accepted \$5,000 increase for inspection, so that that money could be used for the eradication of certain smoke.

Mr. COLLINS. I hope they will use it for that purpose.

Mr. DIRKSEN. Will the gentleman explain what the effect of that language will be?

Mr. COLLINS. It is to increase the area in which the site can be located. It was a limited area fixed in a previous bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Mississippi to recede and concur.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 66: Page 41, line 3, after the word "services," insert "without reference to section 3709 of the Revised Statutes (41 U. S. C. 5), \$229,690."

Mr. COLLINS. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 69: Page 48, line 11, strike out "\$335,980" and insert "\$362,740."

Mr. COLLINS. Mr. Speaker, I move to recede and concur with an amendment which I send to the desk.

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate No. 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$350,000, and nurses for said sanatoria may be appointed without reference to the civil-service requirements."

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Mississippi.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 77: Page 50, after line 14, strike out all of lines 14 to 23 inclusive.

Mr. COLLINS. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement of the amendment of the Senate No. 77, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "The unexpended balance of the appropriation of \$165,000 for the construction of a health center on the site of the Jones Elementary School at First and L Streets, NW., made in the District of Columbia Appropriation Act for the fiscal year 1938, is hereby repealed."

The SPEAKER pro tempore. The question is on the motion of the gentleman from Mississippi to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 82: Page 54, line 4, after the word "services," insert "without reference to section 3709 of the Revised Statutes (41 U. S. C. 5), \$104,990."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate No. 82 and concur in the same.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 127: Page 83, beginning in line 18, insert a new paragraph, as follows:

"For the construction of a bridge to replace the bridge in line of Pennsylvania Avenue over the Anacostia River in accordance with plans and profiles to be approved by the Commissioners of the District of Columbia, including construction of and changes in sewer and water mains, traveling expenses in connection with the inspection of material at the point of manufacture, employment of engineering and other professional services, by contract or otherwise, and without reference to section 3709 of the Revised Statutes (41 U. S. C. 5) or the Classification Act of 1923, as amended, and engineering and incidental expenses, \$620,000, and the Commissioners are authorized to enter into contract or contracts for the completion of said bridge at a cost not to exceed \$2,000,000: *Provided*, That the expense of necessary personnel to handle railroad traffic during construction and the changes in power and conductor lines incident to construction of the bridge shall be borne by the Pennsylvania Railroad Co."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate No. 127 and concur in the same.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 128: Page 84, beginning in line 11, insert a new paragraph, as follows:

"For the construction of a bridge to replace the existing culvert in the line of Massachusetts Avenue NW. across Rock Creek and Rock Creek and Potomac Parkway, including the necessary repaving of approach roads and streets, changes and reconstruction of sewers and water mains, relocation of fire and police alarm boxes and traffic lights, the employment of engineering or other professional services, by contract, or otherwise, and without reference to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) or the Classification Act of 1923, as amended, civil service requirements, and engineering and incidental expenses, \$460,000."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate No. 128, and concur in the same with an amendment.

The Clerk read as follows:

Amendment No. 128: That the House recede from its disagreement to the amendment of the Senate No. 128, and agree to the same with an amendment, as follows:

"For the construction of an additional culvert under Massachusetts Avenue NW. in the line of Rock Creek and Potomac Parkway in accordance with plans and profiles to be approved by the Commissioners of the District of Columbia, including necessary changes, construction and reconstruction of roadways, sidewalks, and curbing, and construction of and changes in sewer and water mains, fire alarm and police patrol boxes, and construction, reconstruction, and relocation of parkway roads, walkways, etc., as may be approved by said Commissioners, travel expenses in connection with the inspection of material at the point of manufacture, employment of engineering and other professional services by contract or otherwise and without reference to section 3709 of the Revised Statutes (41 U. S. C. 5) or the Classification Act of 1923, as amended, civil service requirements, and engineering and incidental expenses, \$125,000, and the Commissioners are authorized to enter into contract or contracts for the completion of said culvert at a cost not to exceed \$300,000."

The SPEAKER pro tempore. The question is on the motion of the gentleman from Mississippi.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 129: Page 85, in line 17, strike out "\$3,934,600" and insert "\$4,660,600."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate No. 129 and agree to the same with an amendment.

The Clerk read as follows:

Amendment No. 129: Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate No. 129, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$4,621,600."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 133: On page 89, after line 23, insert a new paragraph, as follows:

"For the construction of a reservoir of approximately 15,000,000 gallons capacity on the grounds of the United States Soldiers' Home, District of Columbia, including necessary appurtenances and auxiliaries, and including not to exceed \$12,000 for the employment, by contract or otherwise, and without reference to section 3709 of the Revised Statutes (41 U. S. C. 5) or the Classification Act of 1923, as amended, of engineering and other professional services, \$400,000, to continue available until June 30, 1940."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate No. 133 and concur in the same.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. DIRKSEN. Would not engineering and professional services within the scope of the Classification Act be available for this work?

Mr. COLLINS. No.

Mr. DIRKSEN. It would not?

Mr. COLLINS. No.

Mr. DIRKSEN. I accept the gentleman's opinion in the matter.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Mississippi to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 135: Page 9, after line 5, insert a new section, as follows:

"Sec. 10. Credit is allowed in the accounts of the District of Columbia for disbursements made from the appropriation 'Division of Child Welfare, District of Columbia, 1933', covered by audit Nos. 180442, 186060, 192920; and General Accounting Office Certificate No. G-73092-DC, dated October 11, 1937."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate No. 135 and concur in the same.

The motion was agreed to.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. DIRKSEN. How much is involved?

Mr. COLLINS. One hundred and twenty-five dollars.

Mr. DIRKSEN. What are they, lost vouchers?

Mr. COLLINS. The Comptroller held them up on a technicality. Only \$125 is involved.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 136: Page 96, after line 11, insert a new section as follows:

"Sec. 11. The Commissioners of the District of Columbia are hereby authorized and empowered, in their discretion, to secure and to install, at no expense to the said District, mechanical parking meters or devices on the streets, avenues, roads, highways, and other public spaces in the District of Columbia under the jurisdiction and control of said Commissioners; and said Commissioners are authorized and empowered to make and enforce rules and regulations for the control of the parking of vehicles on such streets, avenues, roads, highways, and other public spaces, and as an aid to such regulation and control of the parking of vehicles the Commissioners may prescribe fees for the privilege of parking vehicles where said meters or devices are installed."

"The Commissioners are further authorized and empowered to pay the purchase price and cost of installation of the said meters or devices from the fees collected, and thereafter such meters or devices shall become the property of said District, and all fees collected shall be paid to the collector of taxes for deposit in the Treasury of the United States to the credit of the revenues of said District."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate No. 136 and agree to the same with an amendment.

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate No. 136, and agree to the same



with an amendment as follows: In the third line of the second paragraph of said amendment, after the word "collected", insert the following: "which are hereby appropriated for such purpose."

Mr. COLLINS. Mr. Speaker, I would like to make an initial statement on this amendment. After that I shall be very happy to yield to anyone who wants time or who wants to make a statement.

Mr. O'MALLEY. Mr. Speaker, a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state it.

Mr. O'MALLEY. Is the time to be equally divided between the opposition and those in favor?

The SPEAKER pro tempore. The Chair may say that the time will be at the disposal of the chairman of the committee.

Mr. COLLINS. I will yield to anyone who wants to make a statement.

Mr. Speaker, the conferees realized that there was considerable opposition to this proposal. We realized also this was a very controversial subject. Before we reached an agreement with the Senate conferees in reference to this matter we had it distinctly understood that only a very limited space, not to exceed four blocks, would be set aside for this project. There are about 10 different types of parking meters, and the Commissioners will give a test to each and every one of these 10 types of parking meters in the three or four blocks, without cost to the District, so that we may determine whether or not they should be installed as a going institution in the District of Columbia.

As this is presented it is a very small matter. Frankly I do not believe that any parking-meter concern in the country will make a penny as a result of this experimentation. I believe they will be acquired for the smallest possible sum. It does not entail the expenditure of one single penny so far as the District of Columbia is concerned. I do not believe anyone will be affected unless it be some parking lot that may lose a little revenue as the result of the installation of these parking meters for a temporary period of time.

Up to about 30 days ago I would have voted against this proposal to temporarily establish the meters in the District of Columbia; however, about a month ago I was in Miami, Fla., and on the principal street of that city I drove up to a vacant space and was able to park for 1 hour for a 5-cent charge. Without the meters I never would have been able to have parked within 8 or 10 blocks of the place I wanted to go.

I want you to understand that both the chairman of the House subcommittee and the chairman of the Senate subcommittee will write to the Commissioners setting out the facts in full as I have stated them to you today in the event this item is left in the bill.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from New York.

Mr. O'CONNOR of New York. For years every one has realized that the parking problem in the District of Columbia is a real problem and perhaps greater than any other city in the country. I just saw some figures today. There is one automobile to every two people in the District of Columbia as compared with one automobile to every nine people in the city of New York. You may start at the end of Constitution Avenue in Potomac Park and ride to the Capitol, and you will see all the signs, "One Hour Parking" and "Two Hours Parking." The Commissioners can look out of their windows in the District Building and see thousands and thousands of violations of the traffic law. The streets are being used for parking purposes day and night like nowhere else in the country.

Mr. COLLINS. And all day and all night.

Mr. O'CONNOR of New York. Yes. The Government employees drive their cars to work, which takes them about 5 or 10 minutes. They leave their cars downtown all day, then drive them home and leave them on the street all night. No other city in this country would permit that. The hazard is too great. Something must be done about the parking problem in the District of Columbia. I do not

know whether parking meters will solve it or not. In other cities it has solved the problem. I believe it is worth while permitting them to have a try-out.

Mr. COLLINS. Mr. Speaker, I want to emphasize once again to the House that the chairman of the Senate Subcommittee on Appropriations for the District of Columbia and the chairman of your subcommittee will write to the District Commissioners and ask them to test all of these 10 types during the test period for the purpose of ascertaining which one of them is the best. I know there has been a lot of talk about parking meters, but I do not believe you are going to experience any of the difficulties that have been represented to us by other cities.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois, Mr. DIRKSEN.

Mr. DIRKSEN. Mr. Speaker, I have no hard and fast notions on this matter of parking meters, but I do not believe it is the thing for the city of Washington. What has been said may be perfectly true about Miami, Fla. For 2 or 3 months of the year down there there is a peak season when the tourists go down there, but we have a peak season every month in the year and every day. There are 127,000 people on the pay roll in Washington, a condition without parallel in other cities.

If you want to find out what congestion is, all you have to do is go downtown about 4 o'clock and watch the traffic moving into the outskirts of the city. The real problem in Washington is to get the cars off the streets and not to rent a portion of city streets for 5 cents an hour. That theory is wrong. We can draw all the analogies we like, but you cannot adapt them to the city of Washington, because conditions here are different.

So far as the information that has come to me is concerned, I do not know whether this parking meter business has gotten to be a racket or not. They sell uniformly for about \$58 apiece, and they cost, after figuring salesmen's commissions and profits, as well as making a generous allowance for company profit, about \$20 apiece. I do not know why that disparity of \$38 unless that is a fund made necessary to merchandise them where opposition develops.

There has been a lot of talk as to where parking meters are now installed. I think it is time to get the record straight, since we have already discussed this matter three or four times in the House. First, may I give you the names of the companies manufacturing parking meters:

Dual Parking Meter Co., Oklahoma City, Okla.  
Parking Timer Co., Cincinnati, Ohio.  
Mark-Time Parking Meter Co., Miami, Fla.

You see, they have a company in Miami and they have been able to sell their own town on the idea. That would be only natural.

The Parkrite Co., Houston, Tex.  
Miller Parking Meter Co., Chicago, Ill.  
Parking Tax-O-Meter, Long Beach, Calif.  
Vaco Parking Meter Co., Oklahoma City, Okla.  
Karkark Corporation, New York City.

How many towns have parking meters at the present time? I believe the record ought to be clarified on that matter, because it has not been heretofore. There are 27 cities in the United States that have parking meters at the present time. I am going to insert the list in the Record. I notice that for the most part they have 150 or 200 meters. There is one town, Toledo, Ohio, that has a thousand. Meadville, Pa., has 117; Sharon, 100; and Wilkes-Barre, 200. Dallas has 1,500; El Paso, 502; and Fort Worth, 950. The rest of them I will put in the Record.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from New York.

Mr. O'CONNOR of New York. Atlantic City probably is a fair comparison with the District, as far as tourists are concerned.

Mr. DIRKSEN. I would say for only a few months in the year.

Mr. O'CONNOR of New York. Atlantic City has started within the year, as I am informed, to experiment with these parking meters. It has a number of visitors, as has the District. I wonder if an automobile party from the gentleman's district could come into Washington at this minute and find a place to park anywhere between beyond the Capitol and Potomac Park.

Mr. DIRKSEN. I may say to the gentleman parking is an admitted evil. I recognize it as well as anybody, but I am afraid we will be fooling ourselves with a lot of palliatives which are just like so many mustard plasters. They will give temporary relief but will not solve the problem.

Mr. O'CONNOR of New York. Is it not a fact that if these people instead of paying for a garage—and you can get garage space in Washington for \$3 a month; cheaper than anywhere else in this country—were compelled to pay for parking on the public streets all day and all night, they might not be on the public streets and would find some other place to park, either a parking lot or a garage?

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to gentleman from Wisconsin.

Mr. O'MALLEY. I want to find out where one of these \$3-a-month garages is to be found in my neighborhood.

Mr. O'CONNOR of New York. That was gone into some-time ago. They are to be found within walking distance of the Capitol.

Mr. O'MALLEY. A majority of us do not live within walking distance of the Capitol, however.

Mr. O'CONNOR of New York. Near the hotels you will find garages charging from \$3 to \$5 a month.

Mr. O'MALLEY. I would like to find one.

Mr. DIRKSEN. It is expected, of course, that if parking meters are installed the city Commissioners will look after their regulation. You start out with the understanding that Commissioner Hazen has no faith in parking meters. I will read you the statement he made when this matter was brought up:

My theory of this matter is to get cars off the streets to facilitate traffic and not rent the public streets for parking purposes.

Of course, he may or may not be an expert on the subject.

Mr. O'CONNOR of New York. Why does he not get them off the street? Because this afternoon he could find 5,000 violations within 10 blocks of the District Building.

Mr. DIRKSEN. I may say, of course, I do not know anything about the mental processes of the gentleman, and I cannot account for his attitude on the matter, nor do I know whether those violations are in fact taking place.

Mr. O'CONNOR of New York. There is no way to account for violation of these laws. Street after street is lined with cars all day, although 1-hour parking signs are up on the streets. I have seen fire engines try to get to a fire on some of these streets and they could not get near the plugs.

Mr. DIRKSEN. To continue for a moment, there are nine cities that have installed parking meters and have taken them out. They are West Haven, Conn.; Mobile, Ala.; Birmingham, Ala.; Hutchinson, Kans.; Topeka, Kans.; Paducah, Ky.; Salt Lake City, Utah; and Lubbock and Tyler, Tex. These towns have had parking meters but for various reasons have taken them out, principally because the downtown merchants have objected to having parking meters. Fearing business would be driven away from them, they have prevailed upon the city councils in these respective municipalities to have the parking meters taken out. So you have 27 cities today that have them and 9 cities that did have them but have eliminated them by action of the municipal council. For the purposes of the RECORD that is the status so far as the country's parking meter experience is concerned.

As I say, I have been opposed to the parking meter. I do not believe we ought to experiment with the Nation's Capital on so flimsy a basis, for one thing. Secondly, I do not believe it is a remedy for the difficulty. If the purpose of installing parking meters is going to be for revenue rather

than regulation, we may very manifestly run up against a challenge of the authority of the municipality here to install them on the ground they are imposed for revenue and that it is not commensurate with the amount of regulation, inspection, and service that may be accorded the motorists.

I do not pretend to any intimate knowledge on the subject, but to me this is rather persuasive. The American Automobile Association that takes real pride in purveying service to motorists everywhere in the country is opposed to the parking meter idea. The Keystone Automobile Association, which I understand is the largest association of motorists in the East, is also opposed to it. These people have been dealing with the problems of the motorists, with problems of parking, and with problems of taxation for a great many years. They are experts and maintain expert centers down here at the lower end of Pennsylvania Avenue for conducting surveys in different parts of the country, and for one I would rather take their opinion on a matter of this kind than to take my own or, perhaps, that of Members of Congress who have no special knowledge in this field.

Mr. COLLINS. Is the gentleman certain that the Keystone Association is against this, because it has been my understanding that the Keystone Association in the District is for it.

Mr. DIRKSEN. It was my understanding up to 2 days ago that they were opposed to it, unless they have changed their mind. For the sake of accuracy, I am certain that the American Automobile Association is opposed to meters, but not certain about the Keystone. In any event, I trust the House will reject this proposal and send it back to the Senate in disagreement.

Mr. COLLINS. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. O'MALLEY].

Mr. O'MALLEY. Mr. Speaker, this proposition came up last year in the House and was very thoroughly and roundly defeated. Today this bill comes in here with a very small proportion of the Members of the House even knowing in advance that this conference report was to be called up and, certainly, with a very few of the Members here who last year voted overwhelmingly to take this out of the District appropriation bill.

Here is another instance where the other body has been able to write legislation into an appropriation bill which we in this body are prevented from doing by the rules of the House.

Here is a flea that hopped on the back of the dog just as it was leaving the kennel, because you can see where it is located in this bill. It is the tail end, sneaked in there as an afterthought and a rider, although last year this House conclusively defeated the same proposition. Here is a cheap, chiseling piece of nickel snatching that the District of Columbia, the great Capital of the United States, is asked to indulge in to the detriment of our constituents who come here from time to time to visit this shrine of the Republic. This odoriferous proposition of parking meters was attempted in the city I represent and I read in our local papers only the other day that a citizens' committee asked for a complete investigation of the methods used by these manufacturing companies to try to persuade our community to purchase these curbstone slot machines. I think there ought to be a thorough investigation of some of the methods used by the manufacturers of these meters to get them into the various cities because I think I know a little about the lobbying tactics they have resorted to in various cities and why the cost for these devices is exorbitantly high.

Here is a proposition where the rich man can put his \$10,000 limousine in a specially selected part of the street in the morning and then send his chauffeur out every hour to put in the money and let him hog the street for 24 hours if he wants to, while the poor man who sometimes can ill afford the nickel or dime they propose to charge, is limited to parking time by the limitations of his meager pocket-book.



I think that we ought to vote down the motion to recede and concur and take this item out of the bill. We defeated it once and it is my own opinion that if we are prevented from doing certain things by the rules of this body, if we are prevented from adding legislation to an appropriation bill we ought to stand up and jealously defend the rights and the rules of this body by refusing to allow legislation to be added to appropriation bills by way of conference reports.

I can appreciate the position of the distinguished chairman of the subcommittee. His subcommittee undoubtedly has agreed to recede and concur in this amendment, but we owe it first to the people we represent not to let this chiseling proposition get a foothold in the District that all of our constituents want to visit some time, and we owe it, secondly, to the Members who are not here to voice their position on this matter today to defer this motion so it can be taken up again.

I wish to say only one thing more. When this proposition was up last time every automobile association which conveyed its opinion to me was against this proposition. The American Automobile Association only last week conveyed to me the information that they are unalterably against it.

The question involved in this motion is whether we are going to try to adhere to the wishes of a majority of automobile owners and drivers or whether we are going to try to accommodate the wishes of a couple of parking meter manufacturers who have a group in the Capitol halls trying to slip this thing across.

Mr. McGRANERY. Mr. Speaker, will the gentleman yield?

Mr. O'MALLEY. I yield.

Mr. McGRANERY. Does the gentleman know whether or not the Senate committee held any public hearings or any hearings of any sort with respect to these meters?

Mr. O'MALLEY. I may say to the gentleman that I do not know how this got into the bill in the Senate, because this comes up here suddenly, and I only got a copy of the report today. I do not know how this provision was added to the bill in the Senate, or how many were present when it got in over there.

Mr. COLLINS. The Senate had very extensive hearings upon it, and I shall read some of the statements in those hearings.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. DIRKSEN. They started out for the purpose of regulating traffic, and then if they take in 50 cents each day, and there is a number of them, the revenue adduced is so handsome for municipalities that are in straitened circumstances that then, whether he will want them or not, they keep them in, and I think that is one of the reasons why parking meters have remained in a whole lot of places.

Mr. O'MALLEY. Usually when these things get a foothold it is pretty hard to get rid of them. I am not surprised that they have them in Miami, because it is hard to get rid of things once they get started in a resort city. Washington is not a resort city. You know how hard it is to get rid of slot machines when the revenue from them has been enough to take care of the right people. They probably have the same experience in Florida with these parking meters as they had with the slot machines, which were very hard to get rid of. If the parking meter is designed to make the streets available for the people who want to park, why does not the police department of this city enforce the 1-hour parking regulations? I have seen them park on these streets where they have stayed all day long, and never have seen any policeman put a ticket on a car. In my city parking regulations are enforced, and when a man stays more than 1 hour he gets a ticket, and whether he be rich or poor, he must go to the court and pay a fine. I ask any Member of the House if he has ever seen, downtown, any of these policemen enforce the 1-hour parking regulation in any section. Of course, they may tag some Members of Congress who have parked to transact the business

of the Government, but I have not seen them do it on many streets where needed. I think if they would enforce the 1-hour parking regulations here in our downtown districts, we would not have to have any parking meters to do the work of policemen who appear to have nothing else to do from the record of criminal apprehension in the past years.

Mr. SACKS. That still does not relieve the policeman from doing his work, even if they have parking meters.

Mr. O'MALLEY. Oh, yes, it does. He does the collecting on the parking meters if they are to be checked for violations, and probably collecting is more pleasant than ticket writing under present regulations.

Mr. COLLINS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. McSWEENEY].

Mr. McSWEENEY. Mr. Speaker, I feel, before we criticize the chairman of the subcommittee with regard to his program, we should try to offer a solution. I have taken up with the chief of the fire department and also with the Commissioners the question of using the space now left open for fireplugs as taxi stands. I find in going over the congested area of the city that many of the taxi stands are quite close to fireplugs. I understand that the Commissioners have issued a regulation that no taxi driver can be more than 5 feet from his taxi, and if four or five taxis were parked at a fireplug, then in case of an emergency, those taxis would pull away, and as the gentleman from New York [Mr. O'CONNOR] said, that would give a better opportunity for the fire equipment to get up to the fireplug. Making a rough estimate, I found this would relieve about 2,500 parkings in the downtown congested area of the city. I learned from the chief of the fire department, and I think we should be anxious to cooperate with him in his efforts to protect life and property here against fire, that he feels that the sudden flow of taxis into the stream of traffic, should there be a fire alarm, would greatly add to the hazard of getting the equipment up to the fire, but I believe this problem could be solved.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. McSWEENEY. Yes.

Mr. COCHRAN. Why should we limit that to taxicabs only. Why not also permit private automobiles to park in front of a fireplug, provided there is a driver in the automobile at all times?

Mr. McSWEENEY. That would be all right.

Mr. COCHRAN. I do not think it should be confined to taxicabs.

Mr. McSWEENEY. I then suggested that all bus stops should be at hydrants, because the bus merely draws up and pulls away. As it is they retain enough space—I measured it roughly—at bus stops to park about five cars, and I am sure the bus is only there about every 10 minutes, and only about 1 minute at a time. I believe that if this were taken up with the Commissioners it would add greatly to the relief of the parking question. I think the gentleman from Missouri [Mr. COCHRAN] and myself as Representatives from our respective States, owe it to the businessmen of the District to make it possible for the potential patron to be able to get up to their places of business. If we do not we are going to make the man who pays the high rent in the congested area lose a great deal of money, because we are driving business to the outlying areas, which may be a good thing in some circumstances, but it is unfair to the man who pays the higher rent in the congested area.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. COLLINS. Mr. Speaker, I think this is a question that ought to be tried out by the Commissioners of the District. Let them take all the types of the meters there are, experiment with them, and see which is the best.

Mr. HULL. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. HULL. Does not the chairman think that before we install something of this kind we should consider how we are going to get rid of it in case we do not want it?

Mr. COLLINS. There will be no difficulty getting rid of it. I do not think a very large space ought to be utilized in the experiment. I do not think it is necessary. If an exorbitant price is to be paid for these meters, I will be one of the first to start an investigation to learn the reason for the payment of the exorbitant price.

This question was debated at length in the Senate. It came up under a suspension of the rules and was passed by a two-thirds majority.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield there?

Mr. COLLINS. I hope the gentleman will let me proceed.

The gentleman from Illinois stated that the representatives of the A. A. A. and the Keystone both were against this. I asked him if he was certain about Keystone, because it was my understanding that Keystone favored it. He stated that he did not know, but it was still his impression that the Keystone Club was against it.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. DIRKSEN. I may say to the gentleman that I am not certain about Keystone, but I am certain about the American Automobile Association.

Mr. COLLINS. I understand. The representatives of the A. A. A. and Keystone both appeared before the Senate subcommittee. Here is what Mr. Keneipp of the Keystone Club had to say on the subject:

Basically it is simply a question of making parking space on the streets available to the greatest number and not simply to the person who gets there first and stays longest. The parking meter apparently does make for more parking spaces, and that is what the motorist, the merchant, the director of traffic, and everyone else concerned with the problem wants, and wants badly.

It is for these very practical reasons that the advisory board of the Keystone Automobile Club has gone on record in favor of giving the meters a trial here. We only say that no city in the United States has any more critical parking problem than Washington, and that the parking meter may very well provide a means of alleviating it. It is all very well to strike a dogmatic attitude and to insist on one's legal rights to park on the public streets free of charge.

But what does that avail the motorist and merchant when finding a space on the public streets free of charge is a practical impossibility? We believe it would be simply a matter of common sense to give the parking meter an opportunity to see whether it can help Washington as it has helped other communities throughout the country.

We will be glad, if the committee wishes, to insert in the record certain pertinent material on the subject compiled from our survey.

We urge your consideration of an authorization to the Commissioners to experiment with parking meters in the city.

Mr. Van Duzer, the director of traffic, likewise is in favor of parking meters.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. O'MALLEY. Permit me to say in connection with the gentleman's last remark that the mere fact Mr. Van Duzer has recommended these things is sufficient to convince me that I could not possibly vote for them. With the condition traffic has gotten into under his direction, I could not accept his recommendation on anything.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield for one observation?

Mr. COLLINS. I would like to vote on the amendment, for there is another committee waiting to get the floor.

Mr. DIRKSEN. This will be the last observation I shall make.

Mr. COLLINS. Mr. Speaker, I yield briefly to the gentleman from Illinois.

Mr. DIRKSEN. With the charge of 5 cents an hour for the parking meters it means 50 cents a day of 10 hours in many instances. Parking lots and parking garages charge 50 cents a day. So things even themselves up, but this does not relieve the difficulty or get the cars off the streets. If the gentleman has read the newspapers recently he will remember that I made an observation that the District Commissioners should be authorized and empowered to ac-

quire parking lots where people could park their cars for 10 cents a day. This would take care of the workers who congest the downtown area.

Mr. COLLINS. The gentleman seeks to provide additional parking spaces. That is exactly what these parking meters will accomplish.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. COCHRAN. I think a provision ought to be placed in the bill by the committee that these parking meters be tried out in areas where people are not now permitted to park.

Mr. COLLINS. That is exactly what they are going to do.

Mr. COCHRAN. I thank the gentleman for the information.

Mr. COLLINS. Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recede and concur with an amendment.

The question was taken; and on a division (demanded by Mr. COLLINS) there were—ayes 17, noes 26.

So the motion was rejected.

Mr. COLLINS. Mr. Speaker, I move that the House insist on its disagreement to the amendment of the Senate. The motion was agreed to.

The SPEAKER pro tempore. Without objection, a motion to reconsider the votes by which the Senate amendments were agreed to will be laid on the table.

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. KERR. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KERR. Mr. Speaker, may I say I was unable to be present to vote this afternoon on the Navy appropriation bill on account of the lateness of the arrival of a train. If I had been here, I would have supported the bill and would have voted "yea."

#### EXTENSION OF REMARKS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks at the point where the bill H. R. 9789 was under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. KVALE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein letter of transmittal from the Governor and the commander in chief of the Minnesota military forces, or the National Guard, to the adjutant general of the State, embodying certain findings and opinions of a court of inquiry with reference to a matter which I believe will be of interest to the House.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

#### HEARINGS ON FEDERAL AID HIGHWAY ACT

Mr. LAMBETH. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

The Clerk read the resolution, as follows:

#### House Concurrent Resolution 43

*Resolved, by the House of Representatives (the Senate concurring), That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Roads of the House of Representatives be, and is hereby, authorized and empowered to have printed for its use 5,000 additional copies of the hearings held before said committee during the current session on the bill (H. R. 8838) to amend the Federal Aid Highway Act approved July 11, 1916, as amended and supplemented, and for other purposes.*



The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL, 1939**

Mr. LUDLOW. Mr. Speaker, I call up the conference report on the bill (H. R. 8947) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The conference report and statement are as follows:

**CONFERENCE REPORT**

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8947) "making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 11, 16, 21, 24, and 30.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 9, 10, 13, 20, 23, 27, and 29, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$1,050,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$485,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "Construction of public buildings outside of the District of Columbia"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$230,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$2,284,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$6,950,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$1,542,300"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$138,750,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$3,150,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$16,650,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$635,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$15,300,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "or a person in the service of the United States on the date of the ap-

proval of this Act who being eligible for citizenship has filed a declaration of intention to become a citizen or who owes allegiance to the United States"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 8.

LOUIS LUDLOW,  
JOHN J. BOYLAN,  
EMMETT O'NEAL,  
J. BURWOOD DALY,  
GEO. W. JOHNSON,  
JOHN TABER,  
J. W. DITTER,

*Managers on the part of the House.*

CARTER GLASS,  
KENNETH MCKELLAR,  
MILLARD E. TYDINGS,  
CARL HAYDEN,  
H. STYLES BRIDGES,

*Managers on the part of the Senate.*

**STATEMENT**

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8947) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes, submit the following statement in explanation of the effect of the action recommended in the accompanying conference report as to each of such amendments, namely:

**Treasury Department**

On Nos. 1 and 6, relating to the guard force of departmental buildings: Appropriates \$306,840 in the phraseology proposed in each the Senate and House bills, but places the appropriation under the office of the Secretary of the Treasury for custody of departmental buildings as proposed by the House instead of under the Secret Service as proposed by the Senate.

On No. 2: Appropriates \$1,050,000, instead of \$1,075,000, as proposed by the Senate, and \$1,000,000, as proposed by the House, for distinctive paper for United States securities.

On No. 3: Makes \$485,000 of the appropriation for salaries and expenses, Bureau of Customs, available for personal services in the District of Columbia, instead of \$489,740, as proposed by the Senate, and \$474,460 as proposed by the House.

On Nos. 4 and 5 relating to the Coast Guard: Makes the appropriation for "civilian employees" available for "per diem labor," as proposed by the Senate, and strikes out authority for the employment of "labor" under the appropriation for "contingent expenses."

On No. 7: Inserts, as proposed by the Senate, a caption for the appropriation for public buildings outside the District of Columbia.

**Post Office Department**

On Nos. 9, 10, 11, 12, and 13, relating to salaries in bureaus and offices in the department in the District of Columbia: Appropriates \$387,000, as proposed by the Senate, instead of \$384,000, as proposed by the House, for the office of the First Assistant; appropriates \$788,000, as proposed by the Senate, instead of \$783,000, as proposed by the House, for the office of the Third Assistant; appropriates \$81,280, as proposed by the House, instead of \$83,440, as proposed by the Senate, for the Solicitor's office; appropriates \$230,000 instead of \$220,000, as proposed by the House, and \$237,000, as proposed by the Senate, for the office of Chief Inspector; and appropriates \$47,240, as proposed by the Senate, instead of \$44,000, as proposed by the House, for the office of the purchasing agent.

On No. 14: Appropriates \$2,284,000 instead of \$2,271,500, as proposed by the House, and \$2,296,500, as proposed by the Senate, for salaries of post-office inspectors.

On No. 15: Appropriates \$6,950,000, instead of \$6,875,000, as proposed by the House, and \$7,000,000, as proposed by the Senate, for assistant postmasters.

On No. 16: Appropriates \$199,000,000, as proposed by the House, instead of \$198,000,000, as proposed by the Senate, for clerks at first- and second-class offices.

On No. 17: Appropriates \$1,542,500 instead of \$1,585,000, as proposed by the Senate, and \$1,500,000, as proposed by the House, for clerks in charge of contract stations.

On No. 18: Appropriates \$138,750,000 instead of \$138,000,000, as proposed by the Senate, and \$139,000,000, as proposed by the House, for city letter carriers.

On No. 19: Appropriates \$3,150,000, instead of \$3,100,000, as proposed by the Senate, and \$3,200,000, as proposed by the House, for travel allowance of railway postal clerks.

On No. 20: Appropriates \$460,000, as proposed by the Senate, instead of \$455,000, as proposed by the House, for miscellaneous expenses of the Railway Mail Service.

On No. 21: Strikes out the following language inserted by the Senate in the appropriation for foreign-mail transportation: "as authorized by law, or in accordance with convention or treaty."

On No. 22: Appropriates \$16,650,000, instead of \$15,800,000, as proposed by the House, and \$16,931,336, as proposed by the Senate, for contract domestic air-mail service. The additional amount over the House bill allowed by the conference agreement, \$850,000, is included for additional routes and increased frequencies on

existing routes and the managers on the part of both Houses have agreed that this additional sum of \$850,000 is to be allocated by the Post Office Department without reference to any specific earmarking of particular services which may have been indicated collaterally in connection with the passage and discussion of the appropriation.

On Nos. 23 and 24, relating to equipment and supplies: Increases, as proposed by the Senate, from \$57,000 to \$57,500, the allocation for pay of employees in the District of Columbia in connection with the shipment of supplies, and appropriates \$2,700,000, as proposed by the House, instead of \$2,750,000, as proposed by the Senate.

On No. 25: Makes available \$635,000, instead of \$645,000, as proposed by the Senate, and \$627,000, as proposed by the House, for personal services for the equipment shops in the District of Columbia.

On No. 26: Appropriates \$15,300,000, instead of \$15,250,000 as proposed by the House and \$15,350,000 as proposed by the Senate for the vehicle service.

On No. 27: Appropriates \$625,000 as proposed by the Senate instead of \$600,000 as proposed by the House for furniture, carpets, and safes for public buildings.

On Nos. 28, 29, and 30, relating to the prohibition of the use of appropriations contained in the bill for the payment of officers and employees of the United States whose post of duty is in continental United States unless such officer or employee is a citizen of the United States: The Senate modified the House proposal (sec. 5) by exempting from the section persons owing allegiance to the United States or persons now in the service of the United States. The House accepts this provision in the following form: "or a person in the service of the United States on the date of the approval of this act who being eligible for citizenship has filed a declaration of intention to become a citizen or who owes allegiance to the United States." The Senate further modified the section by making it inapplicable to enlisted men of the Coast Guard who are on active duty in that service on the effective date of this act until the expiration of the period required for such enlisted men to complete their naturalization and inapplicable to personnel of such service on the retired list and to enlisted men on active duty with over 12 years' honorable service who are ineligible for United States citizenship. The House has accepted this Senate provision. The Senate further amended the section by making it inapplicable to alien employees of the United States in foreign countries. The Senate receded from this provision as the original House section is only applicable to employees whose post of duty is in continental United States.

The committee of conference report in disagreement Senate amendment No. 8 relating to annex buildings for the Government Printing Office.

LOUIS LUDLOW,  
JOHN J. BOYLAN,  
EMMET O'NEAL,  
GEO. W. JOHNSON,  
J. BURRWOOD DALY,  
JOHN TAHER,  
J. W. DITTER,

*Managers on the Part of the House.*

Mr. LUDLOW. Mr. Speaker, we offer to the House a unanimous report, and I ask for a vote.

Mr. BOILEAU. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. As I understand the conference report, it provides for additional money for clerk hire and so forth?

Mr. LUDLOW. The full amount for clerk hire as agreed to by the House.

Mr. BOILEAU. The gentleman from New York [Mr. MEAD] led this fight and his views prevailed at that time. I do not see the gentleman on the floor at the present time. Will the gentleman from Indiana [Mr. LUDLOW] state whether or not the gentleman from New York [Mr. MEAD] is agreeable to these amendments?

Mr. LUDLOW. I may say to the gentleman, and I do not think this violates any confidence, that I have discussed the matter with the gentleman from New York [Mr. MEAD], and I believe he is entirely satisfied with the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the Senate amendment in disagreement.

The Clerk read as follows:

Page 47, after line 21, amendment No. 8, insert the following: "Government Printing Office, annex buildings, Washington, D. C.: For continuation of construction of annex buildings for the Government Printing Office, \$2,500,000; and the limit of cost for this project is hereby increased from \$5,885,000, as authorized in the Second Deficiency Appropriation Act, fiscal year 1935, approved August 12, 1935, to \$7,000,000."

LXXXIII—241

Mr. LUDLOW. Mr. Speaker, I offer a motion, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. LUDLOW moves that the House recede from its disagreement to the amendment of the Senate No. 8, and agree to the same with an amendment as follows: In the last line of the matter inserted by said amendment strike out the sum "\$7,000,000" and insert in lieu thereof the following: "\$7,700,000, which sum shall include the completion of annex building No. 3, the remodeling, rewiring, and installation of new elevators in buildings Nos. 1 and 2, and all furniture and the cost of moving machinery in connection with the entire project: *Provided*, That any unexpended balances of appropriations for such project unobligated on the date of completion thereof shall revert to the Treasury."

The motion was agreed to.

A motion to reconsider was laid on the table.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to insert in the Record at this point a brief statistical table summarizing the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. Mr. Speaker, the table to which I referred is as follows:

*Treasury and Post Office appropriation bill*

Amount of bill as passed Senate:		
Treasury	\$610,937,627	
Post Office	791,466,395	
		\$1,402,404,022
Amount of bill as passed House:		
Treasury	608,362,627	
Post Office	791,989,659	
		1,400,352,286
Net added by the Senate:		
Treasury	+2,575,000	
Post Office	-523,264	
		+2,051,736
Net added to amount of House total by House agreeing to Senate amendments:		
Treasury	+2,550,000	
Post Office	+781,240	
		+3,331,240
Net amount added to Senate total by Senate receding from amendments:		
Treasury	-25,000	
Post Office	+1,304,504	
		+1,279,504
Amount of bill as agreed upon:		
Treasury	610,912,627	
Post Office	792,770,899	
		1,403,683,526
Bill is less than Budget estimates:		
Treasury	-7,412,300	
Post Office	-372,510	
		-7,784,810

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Buck from March 21 to 26, inclusive, on account of important business.

AIR-MAIL ROUTES

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, the conference report on the Treasury-Post Office appropriation bill just agreed to appeals to me in that it specifically calls attention to the appropriation for additional air-mail facilities and makes it plain that the conferees do not intend that the Department consider this appropriation earmarked in any way. This was done because in the hearings before the Senate committee and on the floor of the Senate it was brought out that the Senate would expect certain lines to be extended and others to be installed. The Post Office Department is entitled to and should understand that the conferees do not agree to this attempt to dictate where the new routes should be located. That should be left to the Department and the officials should determine where service is most needed, and not be guided by the suggestions advanced in the other body.



If we are to have an efficient air-mail service, influence should not prevail in determining the routes. It is only proper that all suggestions be considered, but when the final decision is rendered let the routes be selected where the service is most needed. The Post Office Department is justified in following this policy by reason of the wording of the report of the conferees just agreed to.

#### ORDER OF BUSINESS

Mr. TABER. Mr. Speaker, may I ask the Speaker or the majority leader, or whoever is in a position to speak on it, if it is still the intention to bring up on tomorrow the conference report on the independent offices appropriation bill?

The SPEAKER. In the absence of the majority leader, who is temporarily out of the Hall, the Chair feels justified in stating it is the purpose to call up tomorrow the conference report on the independent offices appropriation bill.

Mr. TABER. There will be no other business of any importance on tomorrow?

The SPEAKER. The Chair regards all business as important. It might not be of paramount importance.

#### EXTENSION OF REMARKS

Mr. CITRON asked and was given permission to extend his own remarks in the RECORD.

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address by a member of the Kansas City bar.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3655. An act amending section 312 of the Agricultural Adjustment Act of 1938.

#### ADJOURNMENT

Mr. LUDLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 33 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 22, 1938, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON PATENTS

The Committee on Patents will hold hearings at 10 o'clock a. m. on Tuesday, March 22, 1938, to continue for a period of 10 days: H. R. 9259, to provide for compulsory licensing of patents; H. R. 9815, to provide for the granting of licenses under patents brought within a single control by competitors to dominate an industry; H. R. 1666, to provide counsel for the defense and prosecution of rights of indigent patentees.

##### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, March 22, 1938. Business to be considered: Continuation of hearing on H. R. 9738, civil aeronautics.

There will be a meeting of Mr. MALONEY's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 5, 1938. Business to be considered: Continuation of hearing on S. 1261—through routes.

There will be a meeting of Mr. BULWINKLE's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 5, 1938. Business to be considered: Hearings on H. R. 9073—to extend services of the Cape Fear River.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 12, 1938. Business to be considered: Hearing on H. R. 9047—control of venereal diseases and other kindred bills.

##### COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a hearing before Subcommittee No. 1 of the Committee on the Post Office and Post Roads at 10:30 a. m.

Tuesday, March 22, 1938, on bills in behalf of post-office substitutes. Room 213, House Office Building.

There will be a hearing before Subcommittee No. 1 of the Committee on the Post Office and Post Roads at 10 a. m. Wednesday, April 6, 1938, on bills in behalf of custodial employees in the Postal Service. Room 213, House Office Building.

##### COMMITTEE ON NAVAL AFFAIRS

Full open committee, Naval Affairs, meets at 10:50 a. m., Tuesday, March 22, 1938, for consideration of H. R. 9315—to regulate the distribution, promotion, and retirement of officers on the line of the Navy, and for other purposes.

##### COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m. on Wednesday, March 23, 1938, for the public consideration of unfinished business—private bills.

##### COMMITTEE ON MILITARY AFFAIRS

There will be a meeting of the Committee on Military Affairs, room 1310, New House Office Building, at 10:30 a. m. Tuesday, March 22, 1938, for the consideration of H. R. 3801, To remove discrimination against an Army Chief of Service.

##### COMMITTEE ON CLAIMS

A special subcommittee of the Committee on Claims will reconsider at an open meeting at 2 p. m., Wednesday, March 23, 1938, in room 327, House Office Building, the following bills, which were objected to in the House and recommended to the committee on August 20, 1937, January 4 and February 1, 1938, and several bills objected to prior to said dates, for the purpose of determining whether they merit inclusion in an omnibus bill:

H. R. 568. For the relief of James A. Henderson (by Mr. TARVER).

H. R. 591. For the relief of John T. Clarkson (by Mr. THURSTON).

H. R. 841. For the relief of Ida A. Gunderson (by Mr. WHITE of Idaho).

H. R. 938. For the relief of Mr. and Mrs. Joseph Konderish (by Mr. WALTER).

H. R. 1185. For the relief of D. X. Sanders (by Mr. NICHOLS).

H. R. 1750. For the relief of Capt. Walter L. Shearman (by Mr. DORSEY).

H. R. 2353. For the relief of Bolinross Chemical Co. (by Mr. HARTLEY).

H. R. 2436. For the relief of Anna V. Bivans (by Mr. O'BRIEN of Illinois).

H. R. 3179. For the relief of R. L. Scott (by Mr. BOYKIN).

H. R. 3648. For the relief of K. E. Parker Co. (by Mr. HAVENNER).

H. R. 5347. For the relief of Ray E. Nies (by Mr. MAPES).

H. R. 5450. For the relief of William C. Reese (by Mr. PATRICK).

H. R. 5781. To provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn., and of the Twin City Forge & Foundry Co., Stillwater, Minn. (by Mr. JOHNSON of Minnesota).

H. R. 5909. For the relief of the Allegheny Forging Co. (by Mr. EBERHARTER).

H. R. 5910. For the relief of the Allegheny Forging Co. (by Mr. EBERHARTER).

H. R. 5911. For the relief of the Allegheny Forging Co. (by Mr. EBERHARTER).

H. R. 5994. For the relief of S. Uttal (by Mr. VOORHIS).

H. R. 6011. For the relief of E. C. Beaver (by Mr. DISNEY).

S. 178. For the relief of the estate of J. D. Warlick (by former Senator Black).

S. 410. For the relief of Roy D. Cook, a minor (by former Senator Steiwer).

S. 545. For the relief of John Mulhern (by Senator HAYDEN).

#### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Merchant Marine and Fisheries Committee will hold hearings at 10 a. m. in room 219, House Office Building, on the following bills on the dates indicated:

Special hearing, Tuesday, March 22, 1938:

Considerable interest has been manifested in the aircraft provisions of the merchant marine bill, 1938, recently reported to the House (H. R. 9710, sec. 4).

There also appears to be considerable conflict over just what provisions should be made for the aircraft industry, and for this reason a special hearing has been scheduled for 10 a. m. Tuesday, March 22, 1938.

Wednesday, March 23, 1938:

S. 922. To make electricians licensed officers after an examination.

Thursday, March 24, 1938:

H. R. 6745. To require a uniform manning scale for merchant vessels and an 8-hour day for all seamen.

H. R. 8774. To amend the Seamen Act of March 4, 1915, as amended and extended, with respect to its application to tug towing vessel firemen, linemen, and oilers.

H. R. 9588. To provide for an 8-hour day on tugs on the Great Lakes.

Tuesday, March 29, 1938:

H. R. 9765-S. 3595. To authorize the purchase and distribution of products of the fishing industry.

Wednesday, March 30, 1938:

H. R. 8840. To amend section 6 of the act approved May 27, 1936 (49 Stat. L. 1380).

S. 1273. To adopt regulations for preventing collisions at sea.

Tuesday, April 5, 1938:

S. 2580. To amend existing laws so as to promote safety at sea by requiring the proper design, construction, maintenance, inspection, and operation of ships; to give effect to the Convention for Promoting Safety of Life at Sea, 1929; and for other purposes.

Tuesday, April 12, 1938:

H. R. 6797. To provide for the establishment, operation, and maintenance of one or more fish-cultural stations in each of the States of Oregon, Washington, and Idaho.

H. R. 8956. To provide for the conservation of the fishery resources of the Columbia River; establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho; and for the conduct of necessary investigations, surveys, stream improvements, and stocking operations for these purposes.

S. 2307. To provide for the conservation of the fishery resources of the Columbia River; establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho; and for the conduct of necessary investigations, surveys, and stream improvements and stocking operations for these purposes.

Thursday, April 14, 1938:

H. R. 8533. To amend section 4370 of the Revised Statutes of the United States (U. S. C., 1934 ed., title 46, sec. 316).

Tuesday, April 19, 1938:

H. R. 5629. To exempt motorboats less than 21 feet in length not carrying passengers for hire from the act of June 9, 1910, regulating the equipment of motorboats.

H. R. 7089. To require examinations for issuance of motorboat operators' license.

H. R. 8839. To amend laws for preventing collisions of vessels, to regulate equipment of motorboats on the navigable waters of the United States, to regulate inspection and manning of certain motorboats which are not used exclusively for pleasure and those which are not engaged exclusively in the fisheries on inland waters of the United States, and for other purposes.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1163. A letter from the Governor, Farm Credit Administration, transmitting the fifth annual report of the Farm Credit Administration, covering operations for the year 1937 (H. Doc. No. 553); to the Committee on Agriculture and ordered to be printed.

1164. A letter from the Secretary of the Interior, transmitting the draft of a bill entitled "To amend sections 7, 14, and 20 of the Organic Act of the Virgin Islands of the United States (49 Stat. 1807)"; to the Committee on Insular Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KLEBERG: Committee on Agriculture. H. R. 8649. A bill to amend the Commodity Exchange Act, as amended, to extend its provisions to wool and other agricultural commodities traded in for future delivery; with amendment (Rept. No. 1982). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Washington: Committee on Pensions. H. R. 8729. A bill granting pensions and increases of pensions to needy war veterans; with amendment (Rept. No. 1983). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLEBERG: Committee on Agriculture. H. R. 8780. A bill to extend the provisions of the act entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes", approved September 2, 1937, to the District of Columbia or any Territory or possession of the United States; without amendment (Rept. No. 1984). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES: Committee on Agriculture. H. R. 9915. A bill to amend the Agricultural Adjustment Act of 1938, and for other purposes; with amendment (Rept. No. 1985). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. O'MALLEY: Committee on Indian Affairs. S. 840. An act to authorize the Secretary of the Interior to issue patents for certain lands to certain settlers in the Pyramid Lake Indian Reservation, Nev.; with amendment (Rept. No. 1986). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER: A bill (H. R. 9957) to provide for the appointment of public defenders for the district courts of the United States; to the Committee on the Judiciary.

By Mr. GIFFORD: A bill (H. R. 9958) providing for an examination and survey of Menemsha Creek, Martha's Vineyard, Mass.; to the Committee on Rivers and Harbors.

By Mr. LUTHER A. JOHNSON: A bill (H. R. 9959) to amend section 381 (a) of the Agricultural Adjustment Act of 1938 so as to authorize immediate payment to farmers of cotton price adjustment of 1937 crop, authorized under the Third Deficiency Appropriation Act; to the Committee on Agriculture.

By Mr. LEMKE: A bill (H. R. 9960) to amend an act entitled "An act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress," approved June 18, 1929; to the Committee on the Census.

By Mr. RAMSAY: A bill (H. R. 9961) to provide for the holding of terms of the district courts of the United States



for West Virginia at Fairmont and Beckley; to the Committee on the Judiciary.

By Mr. SMITH of West Virginia: A bill (H. R. 9962) to provide for the holding of terms of the district courts of the United States for West Virginia at Fairmont and Beckley; to the Committee on the Judiciary.

By Mr. ZIMMERMAN: A bill (H. R. 9963) to authorize the acquisition of the bridge across the Mississippi River at Cape Girardeau, Mo., and the approaches thereto, by a single condemnation proceeding in either the District Court for the Eastern Judicial District of Missouri or the District Court for the Eastern Judicial District of Illinois, and providing the procedure for such proceeding; to the Committee on the Judiciary.

By Mr. CELLER: A bill (H. R. 9964) to provide municipal self-government for the District of Columbia; to the Committee on the District of Columbia.

By Mr. KNIFFIN: A bill (H. R. 9965) to provide for civilian naval training, and for other purposes; to the Committee on Naval Affairs.

By Mr. LEA: A bill (H. R. 9966) to authorize Federal cooperation in the acquisition of the Muir Wood Toll Road located in Marin County, State of California, and for other purposes; to the Committee on the Public Lands.

By Mrs. ROGERS of Massachusetts: Resolution (H. Res. 447) to clarify the status of public and private obligations of Austria to the Government and people of the United States; to the Committee on Foreign Affairs.

By Mr. LAMNECK: Resolution (H. Res. 448) to create a committee of seven Members of the House to make a thorough and complete investigation on the monetary policy; to the Committee on Rules.

By Mr. FLETCHER: Resolution (H. Res. 449) to provide for an investigation by the Census Committee on statistical services of the Government, and coordination thereof; to the Committee on Rules.

By Mr. CRAWFORD: Joint resolution (H. J. Res. 625) expressing the views of Congress as to a program to continue the use of butter for table purposes in United States institutions and establishments sustained by the Federal Treasury; to the Committee on Expenditures in the Executive Departments.

By Mr. MEAD: Concurrent resolution (H. Con. Res. 42) concerning the observance of National Air Mail Week; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GARRETT: A bill (H. R. 9967) for the relief of R. H. Snyder; to the Committee on Claims.

By Mr. HEALEY: A bill (H. R. 9968) for the relief of Ethel McKenney, Leo McKenney, and John Tamulynas; to the Committee on Claims.

By Mr. HOLMES: A bill (H. R. 9969) to extend to Chief Quartermaster Clerk David C. Buscall, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired warrant officers; to the Committee on Naval Affairs.

By Mr. IZAC: A bill (H. R. 9970) for the relief of Hallie Coffman; to the Committee on Naval Affairs.

By Mr. O'TOOLE: A bill (H. R. 9971) for the relief of Aniello Cirillo; to the Committee on Immigration and Naturalization.

By Mr. SHORT: A bill (H. R. 9972) granting a pension to Sarah E. Hermanstorfer; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4534. By Mr. BOYLAN of New York: Resolution adopted at the annual joint meeting of the National Furniture Warehousemen's Association and the Allied Van Lines, Inc., en-

dorsing the principles and aims of the Social Security Act but favoring the abandonment of the full reserve system, and recommend the substitution of a contingent reserve, etc.; to the Committee on Ways and Means.

4535. By Mr. CLASON: Memorial of the General Court of Massachusetts, favoring the enactment of legislation to promote the general welfare of the United States by alleviating the hazards and insecurity of old age; to the Committee on Ways and Means.

4536. By Mr. COFFEE of Washington: Resolution of James Sales Grange, Tacoma, Wash., Mildred Gates, secretary, pointing out that there should be included in the proposed Wallgren Olympic National Park bill certain ocean beaches, favoring the proposed enlargement of the park, as provided in the revision of the Wallgren bill, and opposing any high lead logging within the boundaries of the proposed park; to the Committee on the Public Lands.

4537. Also, resolution of the Washington State Grange, Ervin E. King, master, opposing vigorously the Senate amendment to the independent offices appropriation bill, which amendment would allow oleomargarine to be used on tables in veterans' hospitals; to the Committee on Appropriations.

4538. By Mr. CONNERY: Resolution of the General Court of Massachusetts, memorializing Congress for legislation and for action to promote interstate cooperation, in respect to the removal of industrial establishments from one State to another; to the Committee on Interstate and Foreign Commerce.

4539. Also, resolution of the General Court of Massachusetts, memorializing Congress in favor of legislation requiring all shoes imported from foreign countries to have the name of the country of manufacture stamped on the outer soles thereof; to the Committee on Ways and Means.

4540. By Mr. CRAWFORD: Petition of Otto Trinklein and over 600 other residents of the Eighth Congressional District of Michigan, urging enactment of Senate bill 25 and House bill 6704; to the Committee on Military Affairs.

4541. By Mr. CURLEY: Petition of the New York County Lawyers Association of New York City, urging enactment of House bill 8765, to keep America out of war by establishing and enforcing a policy of actual neutrality; to the Committee on Foreign Affairs.

4542. Also, petition of the Propeller Club of the United States, Port of New York, New York City, opposing House bill 3134, to impose a Federal tax of 1 percent on fuel oil used in the operation of heat or power; to the Committee on Ways and Means.

4543. By Mr. FORAND: Petition of the Association of Highway Officials of North Atlantic States, urging that the Boston-Washington link in the system of arterial transcontinental highways be given first consideration in the adoption of such a system of highways, and that the supervision of the planning and construction of any such highways be invested in the Bureau of Public Roads, United States Department of Agriculture; to the Committee on Roads.

4544. By Mr. KENNEDY of New York: Resolution of the membership of the Propeller Club of the United States, comprising approximately 700 persons whose lives, destinies, and fortunes are devoted to the operation and the development and expansion of the American merchant marine, expressing their sincere and unalterable opposition to the passage of House bill 3134, by virtue of which it is intended to levy a tax of 1 cent a gallon on the sale of fuel oil to be used for the generation of heat or power; to the Committee on Ways and Means.

4545. Also, petition of the National Society for Prevention of Blindness, approving House bill 9047, proposing further Federal appropriations and assistance through the United States Public Health Service to the States, looking toward adequate control and eradication of syphilis and gonorrhea, and offers the cooperation and assistance of the society to the United States Public Health Service, the State health authorities, and the general public in making it effective if

Congress enacts the bill into law; to the Committee on Education.

4546. By Mr. KEOGH: Petition of the New York State Shorthand Reporters' Association, New York City, concerning the Hobbs bill (H. R. 9789); to the Committee on the Judiciary.

4547. Also, petition of the Propeller Club of the United States, Port of New York, opposing the passage of the Boland bill (H. R. 3134), designed to impose a Federal tax of 1 cent per gallon on fuel oil; to the Committee on Ways and Means.

4548. Also, petition of Redwillow County, Nebraska War Veterans' Council, favoring the Coffee bill (H. R. 9182), authorizing the Veterans' Administration to erect a hospital for mental cases somewhere in Nebraska; to the Committee on World War Veterans' Legislation.

4549. Also, petition of the Rosedale Taxpayers' Association, Borough of Queens, Long Island, N. Y., protesting against further reductions in import duties on dairy and livestock products; to the Committee on Ways and Means.

4550. By Mr. KVALE: Petition of Twin City Milk Producers' Association, St. Paul, Minn., protesting against further reductions in import duties on dairy and livestock products; to the Committee on Ways and Means.

4551. By Mr. LAMNECK: Petition of R. W. Grahel and other citizens of Columbus, Ohio, urging that the General Welfare Act be amended so as to provide for old-age pensions at the rate of \$75 a month instead of \$200; to the Committee on Ways and Means.

4552. By Mr. MEAD: Petition of Local Union No. 16 of the International Union of United Brewery, Flour, Cereal, and Soft Drink Workers of America, of Buffalo, N. Y., urging the enactment of House bill 9190; to the Committee on Ways and Means.

4553. By Mr. PFEIFER: Petition of the Propeller Club of the United States, New York City, opposing House bill 3134, which places a 1-cent per gallon tax on fuel oil; to the Committee on Ways and Means.

4554. By Mrs. ROGERS of Massachusetts: Petition of the General Court of Massachusetts, memorializing Congress for the enactment of legislation to promote the general welfare of the United States by alleviating the hazards and insecurity of old age; to the Committee on Ways and Means.

4555. By Mr. SHAFER of Michigan: Resolution of the Michigan Federation of Post Office Clerks, relative to House bill 190; to the Committee on the Post Office and Post Roads.

4556. Also, resolution of the Michigan State Association of Supervisors, relative to taxes on federally owned lands in the State of Michigan; to the Committee on Ways and Means.

4557. Also, memorial of the Mississippi Valley Conference of State Highway Departments, relative to Federal aid for 1939; to the Committee on Ways and Means.

4558. By Mr. TERRY: Petition to the house of representatives of the fifty-first general assembly, convened in extraordinary session, that Congress enact the McClellan, Arkansas, highway construction amendment; to the Committee on Appropriations.

4559. Also, petition of the Senate of the Fifty-first General Assembly of the State of Arkansas, assembled in extraordinary session, the House concurring, that the Congress enact legislation to provide Federal grants for educational purposes in accordance with the recommendations of the report of the President's Advisory Committee on Education; to the Committee on Education.

4560. Also, memorial of House of Representatives of the Fifty-first General Assembly of the State of Arkansas, assembled in extraordinary session, the Senate concurring, that Congress pass legislation to authorize the minting of mills by the Treasury Department of the United States; to the Committee on Coinage, Weights, and Measures.

4561. Also, petition of the senate of the fifty-first general assembly, convened in extraordinary session, that Congress

enact the McClellan, Ark., highway construction amendment; to the Committee on Appropriations.

4562. By Mr. WIGGLESWORTH: Petition of the General Court of Massachusetts, memorializing Congress for the enactment of legislation to promote the general welfare of the United States by alleviating the hazards and insecurity of old age; to the Committee on Ways and Means.

4563. By the SPEAKER: Resolution of the city of Minneapolis, petitioning enactment of legislation that would place the special-delivery messengers under the classified civil service; to the Committee on the Civil Service.

4564. Also, resolution of the city of Chicago, petitioning the President of the United States to try to call a congress of nations that may formulate a plan whereby such barbarism as the murder of noncombatant women and children may be outlawed and war humanized as far as possible in conformity with the modern rules of warfare; to the Committee on Foreign Affairs.

## SENATE

TUESDAY, MARCH 22, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, March 21, 1938, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

Mr. BARKLEY. I note the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hughes	Overton
Andrews	Copeland	Johnson, Calif.	Pittman
Ashurst	Davis	Johnson, Colo.	Pope
Austin	Dieterich	King	Radcliffe
Bailey	Donahey	La Follette	Reames
Bankhead	Duffy	Lee	Reynolds
Barkley	Ellender	Lodge	Russell
Berry	Frazier	Logan	Schwartz
Bilbo	George	Lonergan	Schwellenbach
Bone	Gerry	Lundeen	Sheppard
Borah	Gibson	McAdoo	Smathers
Bridges	Gillette	McGill	Smith
Brown, Mich.	Glass	McKellar	Thomas, Okla.
Brown, N. H.	Green	McNary	Thomas, Utah
Bulkeley	Guffey	Maloney	Townsend
Bulow	Hale	Miller	Tydings
Burke	Harrison	Milton	Vandenberg
Byrd	Hatch	Minton	Wagner
Byrnes	Hayden	Murray	Walsh
Capper	Herring	Neely	Wheeler
Caraway	Hill	Norris	
Chavez	Hitchcock	Nye	
Clark	Holt	O'Mahoney	

Mr. MINTON. I announce that the Senator from Nevada [Mr. McCARRAN] is detained in his State on official business.

The Senator from Illinois [Mr. LEWIS], the Senator from Florida [Mr. PEPPER], the Senator from Missouri [Mr. TRUMAN], and the Senator from Indiana [Mr. VAN NUYS] are detained from the Senate on important public business.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

### CONDOLENCE ON DEATH OF SENATOR ROBINSON

The VICE PRESIDENT laid before the Senate a resolution adopted by the annual convention of the Veterans of the Philippine Revolution at Manila, P. I., expressing regret because of the death of Hon. Joseph T. Robinson, late a Senator from the State of Arkansas, which was ordered to lie on the table.

### SUPPLEMENTAL ESTIMATE—DEPARTMENT OF THE INTERIOR (S. DOC. NO. 157)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the